

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, JUNE 18, 2020, 8:30 AM
TO BE HELD REMOTELY VIA ZOOM WEBINAR**

AGENDA

<https://zoom.us/j/96323704019?pwd=a1c4Z1JHRDNIWkEyXh5K0tid2UyUT09>
(see login details below)

	Time	Min	Presenter	Type	
1.	8:30				Call to Order
2.	8:30	5			Public Comment on Non-Agenda Items
3.	8:35	5	Johnston	Action	<p>Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these Items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:</p> <ul style="list-style-type: none"> a. Consideration of Approval of the May 14, 2020 Special Town Council Meeting Minutes b. Consideration of Approval of the May 21, 2020 Regular Town Council Meeting Minutes c. Consideration of Approval of the May 28, 2020 Special Town Council Meeting Minutes d. Consideration of Approval of the June 4, 2020 Special Town Council Meeting Minutes
4.	8:40	50	Swain	Informational Action Work Session	<p>Finance:</p> <ul style="list-style-type: none"> a. Presentation of the May 31, 2020 Business & Government Activity Report (BAGAR) b. May 31, 2020 Revenue Forecast Report c. April 30, 2020 Financials d. 2021 Budget Policies and Goals
5.	9:30	30	Mahoney Swain	Action	First Reading and Setting of a Public Hearing Amending Chapter 3.04, Sales Tax, of the Town of Mountain Village Municipal Code to Enable the Collection of Sales Tax from Remote Sales
6.	10:00	10	Miller	Legislative Action	Second Reading, Public Hearing and Council Vote on an Ordinance to Correct Community Development Code (CDC) Errors, Provide Clarifications and Make Minor Amendments at Chapters 17.3 Zoning and Land Use Regulations, 17.4 Development Review Procedures, and 17.5 Design Regulations
7.	10:10	30	Loebe	Action	Presentation and Consideration of the Revised Trails Master Plan
8.	10:40	10	Berry	Action	Ratification Of Colorado Communities For Climate Action 2020-2021 Policy Statement Letter
9.	10:50	90	Mahoney Haynes Montgomery	Action	Consideration of Issuance of a Request for Proposals for the Potential Sale of Village Court Apartments
10.	12:20	30	Haynes Harrington	Work Session	Discussion Regarding CDC Amendments to Chapter 17.7 Sections 17.7.2-17.7.21, Building Regulations, to Discuss the Adoption of the 2018 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code, the 2018 International Plumbing Code Edition of the International Plumbing Code (as Adopted by the State with Local Exceptions), The 2020 National Electrical Code (as Adopted by the State with Local Exceptions) and the 2018 Edition of the International Fire Code (as Adopted by the Telluride Fire Protection District with Local Exceptions), and the 2018 Existing International Building Code

11.	12:50	10	Adamson Haynes Kjome	Informational	Village Court Apartments (VCA) Monthly Update a. Appointment of a Regular Seat to the VCA Resident Committee
12.	1:00	5	Montgomery	Informational Action	Staff Reports: a. Town Manager
13.	1:05	10	Dohnal	Informational	Other Business a. Business Development Advisory Committee Update
14.	1:15				Adjourn

Please note that times are approximate and subject to change.

To join the Zoom Webinar Meeting from Computer or Mobile Device download the Zoom App in the Appstore or go to go following link:

You are invited to a Zoom webinar.
When: Jun 18, 2020 08:30 AM Mountain Time (US and Canada)
Topic: May 18, 2020 Regular Town Council Meeting

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SJ
6/4/2020

Public Comment Policy:

- The Town Council will take your comments during all virtual Town Council meetings through the zoom conference app for items proper to receive public comment via the written comment feature on zoom.
- Please do not comment until the presiding officer opens the agenda item to public comment. Public comments submitted outside of the proper time may not be considered.
- All those wishing to give public comment must identify their full name and affiliation, if any, to the Town of Mountain Village.
- Please keep your comments as brief and succinct as possible as they will be read aloud at the meeting. Please refrain from repeating what has already been said by others in the interest of time. You may simply state that you agree with a previous speaker's comments.
- Commenters shall refrain from personal attacks and maintain a civil tone while giving public comment.

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MAY 14, 2020
SPECIAL TOWN COUNCIL MEETING DRAFT**

AGENDA ITEM 3a

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:31 a.m. on Thursday, May 14, 2020. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Patrick Berry
Pete Duprey
Natalie Binder
Marti Prohaska
Jack Gilbride

The following Town Council members were absent:

Also in attendance were:

Kim Montgomery, Town Manager	Robert Stenhammer
Susan Johnston, Town Clerk	Cath Jett
Christina Lambert, Senior Deputy Town Clerk	Matt Skinner
Jim Mahoney, Assistant Town Attorney	Michael Martelon
Chris Broady, Chief of Police	Kate Burns
Sue Kunz, Director of Human Resources	
Chuck Tomlinson, Human Resources Coordinator	
Kevin Swain, Director of Finance	
Julie Vergari, Chief Accountant	
Zoe Dohnal, Business Development and Sustainability Senior Manager	
Kathrine Warren, Public Information Specialist	
Michelle Haynes, Director of Planning & Development Services	
John Miller, Planner II	
Jim Loebe, Director of Transit & Recreation	
Jim Soukup, Chief Technology Officer	
Finn Kjome, Director of Public Works	
JD Wise, Assistant Director of Public Works	
Kate Burns, Controller	

Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(4)(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2)

On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to enter into Executive Session for the purposes of receiving legal advice pursuant to C.R.S. 24-6-402(4)(b), and for the purpose of negotiations pursuant to C.R.S. 24-6-402(4)e (2) at 8:35 a.m.

Council returned to open session at 8:58 a.m.

Consideration of a Resolution Allowing for and Establishing Procedures for Conducting Public Hearings During Virtual Meetings (15)

Town Attorney Jim Mahoney presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution allowing for and establishing procedures for conducting public hearings during virtual meetings with the added language giving discretion at certain levels to evaluate each written request from each applicant to determine whether a virtual meeting is appropriate.

Budget Discussions Including Revenue and Expenditure Models (4)

Director of Finance Kevin Swain presented. Council discussion ensued.

Consideration of Acceptance of Paddle Tennis Court Equipment and Associated Lease Agreement from the Telluride Paddle Tennis Association (5)

Director of Transit & Recreation Jim Loebe presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the Paddle Tennis Court equipment and associated lease agreement from the Telluride Paddle Tennis Association as presented and to dedicate the court to John Pryor.

Business Development Advisory Committee (BDAC) Update (6)

Business Development and Sustainability Senior Manager Zoe Dohnal and Assistant Director of Public Works JD Wise presented. Council discussion ensued regarding adding patio furniture to the Village Center outdoor space. Council consensus was to partner with Telluride Mountain Village Owners Association (TMVOA) for the additional furniture.

Other Business: (11)

Council discussion ensued regarding the Green Team and removing staff responsibilities. Council directed that the subcommittee present a COVID-19 workplan to show how they will be operating in this environment.

Dan Caton left the meeting at 10:01 a.m.

Patrick Berry left the meeting at 10:05 a.m.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 10:15 a.m.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MAY 21, 2020
REGULAR TOWN COUNCIL MEETING DRAFT**

AGENDA ITEM 3b

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:3 a.m. on Thursday, May 21, 2020. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Patrick Berry
Pete Duprey
Natalie Binder
Marti Prohaska
Jack Gilbride

The following Town Council members were absent:

Also in attendance were:

Kim Montgomery, Town Manager	Robert Stenhammer
Susan Johnston, Town Clerk	Cath Jett
Christina Lambert, Senior Deputy Town Clerk	Matt Skinner
Jim Mahoney, Assistant Town Attorney	Michael Martelon
Chris Broady, Chief of Police	
Sue Kunz, Director of Human Resources	
Chuck Tomlinson, Human Resources Coordinator	
Kevin Swain, Director of Finance	
Zoe Dohnal, Business Development and Sustainability Senior Manager	
Kathrine Warren, Public Information Specialist	
Michelle Haynes, Director of Planning & Development Services	
John Miller, Planner II	
Jim Loebe, Director of Transit & Recreation	
Jim Soukup, Chief Technology Officer	
Finn Kjome, Director of Public Works	
JD Wise, Assistant Director of Public Works	
Kate Burns, Controller	

Public Comment on Non-Agenda Items (2)

There was no public comment.

Consent Agenda (3)

All matter in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:

- a. **Consideration of Approval of the April 17, 2020 Special Town Council Meeting Minutes**
- b. **Consideration of Approval of the April 23, 2020 Regular Town Council Meeting Minutes**
- c. **Consideration of Approval of the May 1, 2020 Special Town Council Meeting Minutes**
- d. **Consideration of Approval of the May 7, 2020 Special Town Council Meeting Minutes**

Town Clerk Susan Johnston presented. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve the Consent Agenda as presented.

Second Reading, Public Hearing and Council Vote on an Ordinance Amending Section 5.01.070 of the Town Municipal Code Related to Business Licensing and Violations of the Town Municipal Code (4)

Assistant Town Attorney Jim Mahoney presented. Council discussion ensued. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted 7–0 to adopt an Ordinance amending Section 5.01.070 of the Town Municipal Code related to business licensing and violations of the Town Municipal Code.

Consideration of a Memorandum of Understanding (MOU) with San Miguel County, Telluride Mountain Village Owners Association (TMVOA) and Telluride Ski & Golf (TSG) Regarding Gondola Operating Requirements (5)

Jim Mahoney presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve and MOU with San Miguel County, Telluride Mountain Village Owners Association and Telluride Ski & Golf regarding Gondola operating requirements.

Finance: (6)

Director of Finance Kevin Swain presented.

- a. **Presentation of the April 30, 2020 Business & Government Activity Report (BaGAR)**

Council discussion ensued.

- b. **Presentation of the March 31, 2020 Financials**

Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to approve the March 31, 2020 Financials as presented.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Correct Community Development Code (CDC) Errors, Provide Clarifications and Make Minor Amendments at Chapters 17.3 Zoning and Land Use Regulations, 17.4 Development Review Procedures, and 17.5 Design Regulations (7)

Senior Planner John Miller presented. Council discussion ensued. On a **MOTION** by Natalie Binder and seconded by Pete Duprey, Council voted 7-0 to approve on first reading an Ordinance to correct Community Development Code (CDC) errors, provide clarification and make minor amendments at Chapters 17.3 Zoning and Land Use Regulations, 17.4 Development Review Procedures, and 17.5 Design Regulations and to set the second reading, public hearing and final vote for June 18, 2020.

Village Court Apartments (VCA) Monthly Update (8)

Director of Planning and Development Services Michelle Haynes and Director of Public Works presented. Council discussion ensued.

Staff Reports: (9)

a. Transit & Recreation

Director Jim Loebe presented his report. Council discussion ensued.

b. Public Works

Director Finn Kjome presented his report. Council discussion ensued.

1. 2020 Drought Planning Discussion and Council Direction

Council discussion ensued. Council directed staff to agendize a discussion on water conservation at the June Town Council meeting. On a **MOTION** by Marti Prohaska and seconded by Patrick Berry, Council voted unanimously to initiate water restrictions on June 1, 2020.

c. Police

Chief of Police Chris Broady presented his report. Council discussion ensued.

d. Town Manager

Town Manager Kim Montgomery presented her report. Council discussion ensued.

Marketing Telluride Inc. (MTI) & Colorado Flights Alliance (CFA) Bi-Annual Reports (10)

President and CEO of Marketing Telluride Inc. Michael Martelon and Colorado Flights Alliance Chief Operating Officer Matt Skinner presented their reports.

Other Business: (11)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted unanimously to adjourn the meeting at 11:04 am.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MAY 28, 2020
REGULAR TOWN COUNCIL MEETING DRAFT**

AGENDA ITEM 3c

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:31 a.m. on Thursday, May 28, 2020. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Patrick Berry
Pete Duprey
Natalie Binder
Marti Prohaska
Jack Gilbride

The following Town Council members were absent:

Dan Caton, Mayor Pro Tem

Also in attendance were:

Kim Montgomery, Town Manager	Robert Stenhammer
Susan Johnston, Town Clerk	Sherri Reeder
Christina Lambert, Senior Deputy Town Clerk	Chad Scothorn
Jim Mahoney, Assistant Town Attorney	Marisa O'Conner
Chris Broady, Chief of Police	
Sue Kunz, Director of Human Resources	
Kevin Swain, Director of Finance	
Julie Vergari, Chief Accountant	
Zoe Dohnal, Business Development and Sustainability Senior Manager	
Kathrine Warren, Public Information Specialist	
Michelle Haynes, Director of Planning & Development Services	
John Miller, Planner II	
Jim Loebe, Director of Transit & Recreation	
Jim Soukup, Chief Technology Officer	
Finn Kjome, Director of Public Works	
JD Wise, Assistant Director of Public Works	
Kate Burns, Controller	
Dawn Katz, Director of Mountain Munchkins	
Lindsay Niehaus, Billing and Accounts Receivable Specialist	

State and County Health Orders Update (2)

Town Manager Kim Montgomery and Assistant Town Attorney Jim Mahoney presented. Council discussion ensued.

Public comment was received by Marissa O'Connor.

Discussion Regarding County Orders, Business Development Advisory Committee/Plaza Business Planning, Economic Recovery Committee, and Potential Impacts on Staffing (3)

Assistant Director of Public Works JD Wise presented. Council discussion ensued regarding reinstating two Public Works staff members. Council consensus was in favor of reinstating the additional Public Works staff.

Other Business: (4)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 9:11 a.m.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk

DRAFT

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE JUNE 4, 2020
REGULAR TOWN COUNCIL MEETING DRAFT**

AGENDA ITEM 3d

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:31 a.m. on Thursday, June 4, 2020. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Patrick Berry
Pete Duprey
Natalie Binder
Marti Prohaska
Jack Gilbride

The following Town Council members were absent:

Also in attendance were:

Kim Montgomery, Town Manager	Robert Stenhammer
Susan Johnston, Town Clerk	Cath Jett
Christina Lambert, Senior Deputy Town Clerk	Sherri Reeder
Jim Mahoney, Assistant Town Attorney	Valerie Child
Chris Broady, Chief of Police	Madeline
Sue Kunz, Director of Human Resources	Jack Wolinetz
Kevin Swain, Director of Finance	Anton Benitez
Julie Vergari, Chief Accountant	
Zoe Dohnal, Business Development and Sustainability Senior Manager	
Kathrine Warren, Public Information Specialist	
Michelle Haynes, Director of Planning & Development Services	
John Miller, Planner II	
Jim Loebe, Director of Transit & Recreation	
Finn Kjome, Director of Public Works	
Lindsay Niehaus, Billing and Accounts Receivable Specialist	

Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(4)(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2)

On a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted unanimously to enter into Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(4)(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e at 8:33 a.m.

Council returned to open session at 9:07 a.m.

Council moved to agenda item 5.

Consideration of an Emergency Ordinance Amending Emergency Ordinance 2020-06 Concerning the Coronavirus (Covid-19) Public Health Emergency in Order to Add Language Imposing Penalties for Violations of Lawfully Enacted Public Health Orders within San Miguel County (3)

Attorney Jim Mahoney presented. Council discussion ensued. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted 7-0 to adopt an Emergency Ordinance amending Emergency Ordinance 2020-06 concerning the Coronavirus (Covid-19) Public Health Emergency in order to add language imposing penalties for violations of lawfully enacted Public Health Orders within San Miguel County.

Discussion Regarding the Request For Proposal (RFP) for the Potential Sale of Village Court Apartments (VCA) (4)

Director of Planning and Development Services Michelle Haynes presented stating that three Community Forums have been set for Tuesday, June 9 at 5:00 p.m., Wednesday, June 10 at 11:00 a.m. and Monday, June 15 at 5:00 p.m. Council discussion ensued.

Update on Re-opening of Mountain Munchkins (5)

Mountain Munchkins Director Dawn Katz presented her update. Council discussion ensued.

Council moved to agenda item 3.

County Health Order Update (6)

Jim Mahoney presented the update stating that the County Order is more in line with the State Order.

Other Business: (7)

1. Discussion Regarding Face Covering Requirements

Mayor Benitez opened the discussion to pass an Emergency Mayoral Order requiring face coverings. This Order would expire on June 11, 2020. At that time Council would consider passing an Emergency Ordinance continuing the requirement. The Mayor read the public comment statement. Public comment was received by Valerie Child, Jack Wolinetz and Cath Jett. Council consensus was in favor of the Order.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Natalie Binder, Council voted unanimously to adjourn the meeting at 9:58 a.m.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk

 Business and Government Activity Report For the month ending: May 31st									
Activity	2020			2019			YTD or MTD Variance		
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
Cable/Internet <i>Lost a bulk internet subscriber in February 2020</i>									
# Residential & Bulk Basic Cable	664	(20)		774	(21)		(110)	-14.2%	
# Premium Channel Residential & Bulk Subscribers	375	(11)		405	(7)		(30)	-7.4%	
# Digital Subscribers	168	(7)		191	(7)		(23)	-12.0%	
# Internet Subscribers	1,738	(14)		1,914	(2)		(176)	-9.2%	
# Phone Subscribers	86	(1)		98	(1)		(12)	-12.24%	
Village Court Apartments									
Occupancy Rate %	97.73%	-1.82%	99.27%	98.64%	-0.91%	99.32%	-0.05%	-0.1%	
# Vacated Units	4	3	9	2	0	7	2	28.6%	
# Work Orders Completed	13	7	109	119	98	196	(87)	-44.4%	
# on Waiting List	180	11		160	4		20	12.5%	
Public Works									
Service Calls	1,056	245	3,685	430	11	1,667	2,018	121.1%	
Truck Rolls	454	454	na	na	na	na	#VALUE!	#VALUE!	
Snow Fall Inches	0	(9)	142	26	6	298	(156)	-52.3%	
Snow Removal - Streets & Prkg Lots Hours	0	(73)	2,526	183	(120)	3,656	(1,130)	-30.9%	
Roadway Maintenance Hours	136	65	424	290	134	534	(110)	-20.6%	
Water Billed Consumption Gal.	6,326,000	1,787,000	50,226,000	3,857,000	(2,279,000)	100,323,000	(50,097,000)	-49.9%	
Sewage Treatment Gal.	5,934,000	(504,000)	42,983,000	12,907,000	2,699,000	53,691,000	(10,708,000)	-19.9%	
Child Development Fund <i>The program closed mid March</i>									
# Infants Actual Occupancy	0.00	0.00		4.68	(0.26)		(4.68)	-100.0%	
# Toddlers Actual Occupancy	0.00	0.00		15.68	1.92		(15.68)	-100.0%	
# Preschoolers Actual Occupancy	0.00	0.00		15.31	(0.93)		(15.31)	-100.0%	
Transportation and Parking									
GPG (noon snapshot)	772	(30)	27,966	1,974	(1,213)	36,958	(8,992)	-24.3%	
GPG Parking Utilization (% of total # of spaces occupied)	5.4%	-0.40%	39.7%	13.80%	-9.30%	53.2%	-13.5%	-25.4%	
HPG (noon snapshot)	246	134	5,592	410	(171)	7,944	(2,352)	-29.6%	
HPG Parking Utilization (% of total # of spaces occupied)	7.5%	4.00%	34.5%	12.50%	-5.80%	49.6%	-15.1%	-30.4%	
Total Parking (noon snapshot)	2,647	252	47,649	4,282	(1,498)	62,738	(15,089)	-24.1%	
Parking Utilization (% of total # of spaces occupied)	10.6%	0.70%	38.5%	17.10%	-6.70%	51.4%	-12.9%	-25.1%	
Paid Parking Revenues	\$608	\$489	\$120,136	\$9,416	(\$4,648)	\$143,819	(\$23,683)	-16.5%	
Bus Routes # of Passengers	1,394	355	3,164	7,150	2,724	11,678	(8,514)	-72.9%	
Employee Shuttle # of Passengers	0	0	3,598	1,221	120	6,954	(3,356)	-48.3%	
Employee Shuttle Utilization Rate %	0.00%	0.00%	47.0%	51.10%	1.20%	54.1%	-7.10%	-13.1%	
Inbound (Vehicle) Traffic (Entrance) # of Cars	38,838	14,647	260,753	50,445	7,837	297,624	(36,871)	-12.4%	
Human Resources <i>Part time ee's: town council (7), judge Terms: gondola mechanic Reason for Terms: personal/family</i>									
FT Year Round Head Count	61	0		83	(3)		(22)	-26.5%	
Seasonal Head Count (FT & PT)	0	0		8	6		(8)	-100.0%	
PT Year Round Head Count	8	0		21	6		(13)	-61.9%	
Gondola FT YR, Seasonal, PT YR Head Count	38	31		58	(3)		(20)	-34.5%	
Total Employees	107	31		170	6		(63)	-37.1%	
Gondola Overtime Paid Hours	17	(1)	1,085	383	(139)	1,816	(730)	-40.2%	
Other Employee Overtime Paid	59	51	238	105	46	433	(195)	-45.0%	
# New Hires Total New Hires	0	0	0	5	(12)	22	(22)	-100.0%	
# Terminations	1	(12)	1	3	(13)	12	(11)	-91.7%	
# Workmen Comp Claims	0	0	0	0	(3)	7	(7)	-100.0%	
Workmen Comp Claims Costs	\$52	(\$936)	\$2,450	\$1,644	\$1,278	\$5,748	(\$3,298)	-57.4%	
Number of Reported Injuries	0	0	1	3	0	8	(7)	-87.5%	
Marketing & Business Development <i>Town hosted meetings include Zoom meetings due to COVID-19</i>									
Town Hosted Meetings	21	4	58	4	1	21	37	176.2%	
Email Correspondence Sent	12	2	64	11	0	57	7	12.3%	
E-mail List #	7,988	(9)		6,236	28		1,752	28.1%	
Ready-Op Subscribers	1,997	0		na	#VALUE!		#VALUE!	#VALUE!	
News Articles	26	15	98	7	2	39	59	151.3%	
Press Releases Sent	3	2	11	6	2	16	(5)	-31.3%	
Gondola and RETA <i>Current RETA revenues are unaudited, the gondola/chondola was shut down about 1/2 of March and all of April</i>									
Gondola # of Passengers	0	0	923,825	58,208	4,813	1,250,972	(327,147)	-26.2%	
Chondola # of Passengers	0	0	80,532	0	(4,604)	102,140	(21,608)	-21.2%	
RETA fees collected by TMVOA	\$ 158,590	\$ (104,040)	\$ 1,947,678	\$ 243,763	\$ 107,668	\$ 1,712,566	\$235,112	13.7%	
Recreation <i>Summer = May 1 - Oct 31 - Current Information not available due to personnel furloughs</i>									
Adventure Rock Registrations	na	#VALUE!	na	203	183	203	#VALUE!	#VALUE!	
Disc Golf Registrations	na	#VALUE!	na	372	372	372	#VALUE!	#VALUE!	
Platform Tennis Registrations	na	#VALUE!	64	28	(37)	134	(70)	-52.2%	



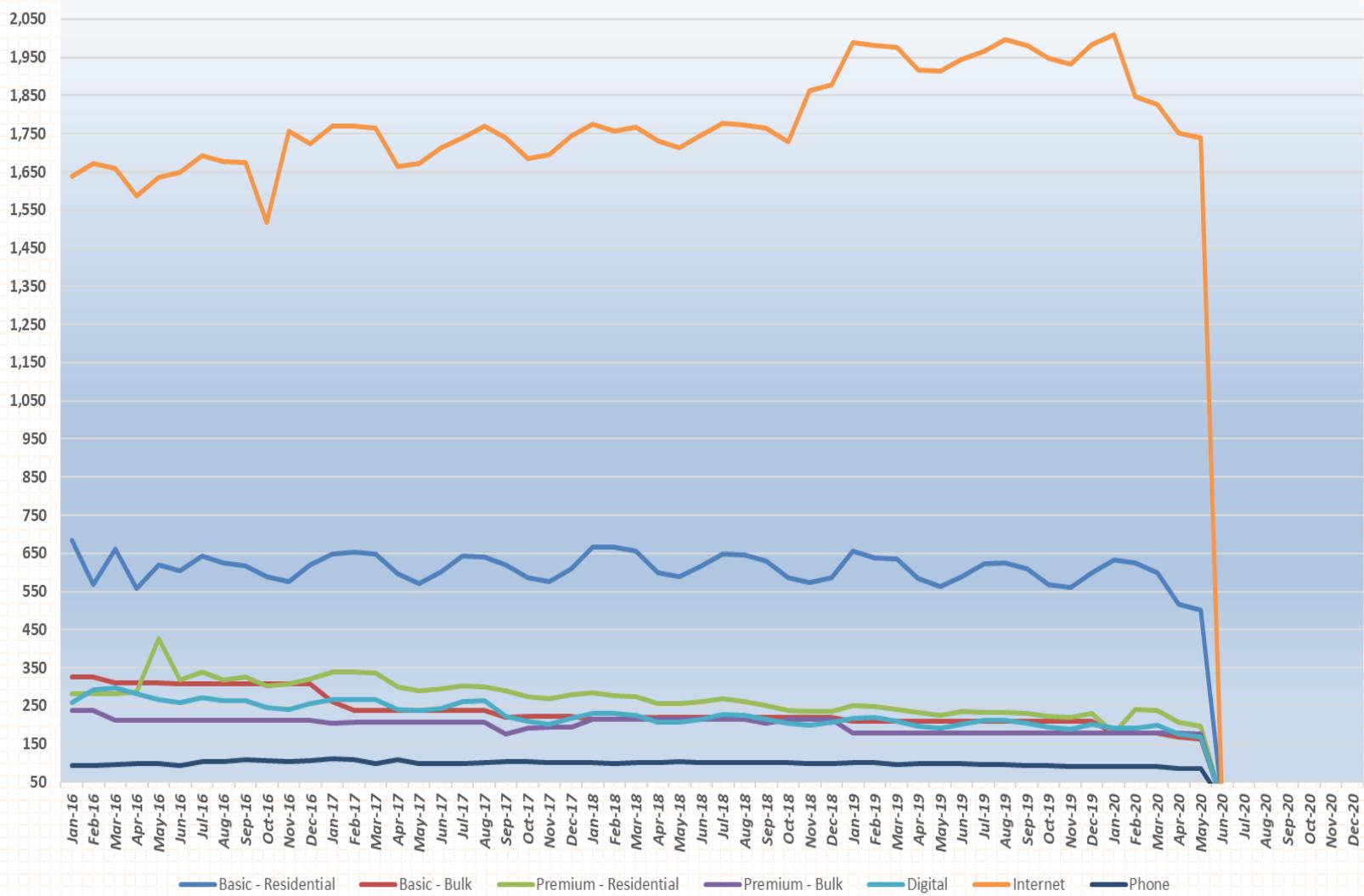
Business and Government Activity Report
For the month ending: May 31st

Activity	2020			2019			YTD or MTD Variance		
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
Police									
<i>Current information unavailable at this time</i>									
Calls for Service	#	(115)		299	58	1,650	(1,650)	-100.0%	
Investigations	#	(2)		4	(7)	80	(80)	-100.0%	
Alarms	#	(16)		28	(15)	184	(184)	-100.0%	
Arrests	#	0		0	(2)	16	(16)	-100.0%	
Summons	#	0		1	(3)	19	(19)	-100.0%	
Traffic Contacts	#	(1)		41	28	71	(71)	-100.0%	
Traffic Tickets Written	#	0		7	5	13	(13)	-100.0%	
Parking Tickets Written	#	(1)		203	86	1,721	(1,721)	-100.0%	
Administrative Dismissals	#	0		6	6	26	(26)	-100.0%	
Building/Planning									
Community Development Revenues		\$25,427	\$23,886	\$84,901	\$50,505	\$9,075	\$155,163	(\$70,262)	-45.3%
# Permits Issued		30	21	125	57	30	142	(17)	-12.0%
Valuation of Mtn Village Remodel/New/Additions Permits		\$458,150	\$403,150	\$1,016,150	\$4,416,681	\$3,750,427	\$5,670,136	(\$4,653,986)	-82.1%
Valuation Mtn Village Electric/Plumbing/Other Permits		\$124,101	\$44,001	\$1,452,830	\$173,200	(\$72,352)	\$606,686	\$846,144	139.5%
Valuation Telluride Electric/Plumbing Permits		\$214,200	\$153,200	\$790,707	\$490,047	\$198,834	\$1,411,111	(\$620,404)	-44.0%
# Inspections Completed		180	27	1,028	339	-179	1,307	(279)	-21.3%
# Design Review/Zoning Agenda Items		9	0	54	11	8	48	6	12.5%
# Staff Review Approvals		38	-10	114	18	5	53	61	115.1%
Plaza Services									
Snow Removal Plaza	Hours	0	(3)	971	73	20	2,236.3	(1,266)	-56.6%
Plaza Maintenance	Hours	137	95	1486	357	(71)	1702	(216)	-12.7%
Lawn Care	Hours	97	69	166	198	142	257	(91)	-35.4%
Plant Care	Hours	95	92	219	215	127	357	(138)	-38.8%
Irrigation	Hours	226	226	234	0	(6)	17	218	1319.7%
TMV Trash Collection	Hours	65	5	397	80	12	472	(76)	-16.0%
Christmas Decorations	Hours	3	(42)	506	60	(132)	661	(155)	-23.4%
Residential Trash	Pound	21150	(1,875)	108,525	24,300	1,350	116850	(8,325)	-7.1%
Residential Recycle	Pound	17246	(16,253)	149,978	37,419	2,173	186023	(36,045)	-19.4%
Diversion Rate	%	44.92%	-14.35%	58.02%	60.63%	0.06%	61.42%	-3.40%	-5.5%
Vehicle Maintenance									
# Preventive Maintenance Performed		25	5	96	14	(10)	99	(3)	-3.0%
# Repairs Completed		27	15	104	9	(12)	94	10	10.6%
Special Projects		5	3	8	3	(2)	20	(12)	-60.0%
# Roadside Assists		0	0	0	0	0	1	(1)	-100.0%
Finance									
# Other Business Licenses Issued		21	3	918	19	(8)	858	60	7.0%
# Privately Licensed Rentals		0	(2)	68	1	(1)	71	(3)	-4.2%
# Property Management Licensed Rentals		4	(3)	421	0	0	400	21	5.3%
# Unique VRBO Property Advertisements Listings for MV		449	3		392	3		57	14.5%
# Paperless Billing Accts (total paperless customers)		1,126	14		1,032	232		94	9.1%
# of TMV AR Bills Processed		2,191	159	10,655	2,228	7	10,801	(146)	-1.4%
Accounts Receivable				General Fund Investment Activity					
Current	TMV Operating Receivables (includes Gondola funding)		Utilities - Broadband and Water/Sewer		VCA - Village Court Apartments		Change in Value (Month) (\$256,871) Ending Balance \$9,025,946 Investment Income (Month) \$15,363 Portfolio Yield 1.40% Yield Change (Month) -0.16% Other Statistics Population (estimated) 1,434 (Active) Registered Voters 871 Property Valuation 314,681,000		
	30+ Days	\$961,045	99.4%	\$364,034	85.2%	\$7,738			55.7%
60+ Days	4,340	0.4%	34,839	8.2%	2	0.0%			
90+ Days	264	0.0%	16,877	3.9%	-	0.0%			
over 120 days	10	0.0%	8,850	2.1%	6,150	44.3%			
Total	\$ 966,501	100.0%	\$ 427,299	100.0%	\$ 13,890	100.0%			
Current	Other Billings - CDF, Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR				
30+ Days	\$8,519	69.8%	\$ 1,341,335	94.5%	\$383,832	94.8%			
60+ Days	2,171	17.8%	41,353	2.9%	11,476	2.8%			
90+ Days	814	6.7%	17,954	1.3%	1,040	0.3%			
over 120 days	8	0.1%	15,017	1.1%	7,289	1.8%			
Total	\$ 12,199	100.0%	\$ 1,419,889	100.0%	\$ 404,764	100.0%			

Town of Mountain Village Broadband Subscriber Statistics

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2020 EBU Subscribers												
Basic - Residential	633	626	600	516	500	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	-3.65%	-2.03%	-5.51%	-11.79%	-11.35%	-100.00%						
Basic - Bulk	180	179	179	168	164	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	-14.29%	-14.76%	-14.76%	-20.00%	-21.90%	-100.00%						
Premium - Residential	180	240	237	208	198	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	-28.57%	-3.61%	-2.07%	-10.73%	-12.39%	-100.00%						
Premium - Bulk	178	178	178	178	177	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	-0.56%	-0.56%	-0.56%	-0.56%	-1.12%	-100.00%						
Digital	192	191	200	175	168	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	-11.93%	-13.18%	-5.21%	-11.62%	-12.04%	-100.00%						
Internet	2,010	1,847	1,828	1,752	1,738	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	1.06%	-6.76%	-7.49%	-8.56%	-9.20%	-100.00%						
Phone	92	90	90	87	86	0	0	0	0	0	0	0
Increase (Decrease) - Prior Year	-8.91%	-10.89%	-7.22%	-12.12%	-12.24%	-100.00%						
2019 EBU Subscribers												
Basic - Residential	657	639	635	585	564	588	622	625	610	569	561	599
Increase (Decrease) - Prior Year	-1.20%	-4.05%	-3.20%	-2.50%	-4.41%	-4.85%	-3.86%	-3.25%	-3.02%	-2.90%	-2.09%	2.04%
Basic - Bulk	210	210	210	210	210	210	210	210	210	210	210	209
Increase (Decrease) - Prior Year	-2.78%	-2.78%	-4.11%	-4.55%	-4.55%	-4.55%	-4.55%	-4.55%	-4.55%	-4.55%	-4.55%	-5.00%
Premium - Residential	252	249	242	233	226	235	232	234	231	223	220	230
Increase (Decrease) - Prior Year	-11.27%	-10.11%	-11.68%	-9.34%	-11.37%	-10.31%	-14.07%	-10.69%	-8.33%	-6.30%	-6.38%	-2.13%
Premium - Bulk	179	179	179	179	179	179	179	179	179	179	179	178
Increase (Decrease) - Prior Year	-16.36%	-16.36%	-16.36%	-16.36%	-16.36%	-16.36%	-16.36%	-16.36%	-12.68%	-16.36%	-16.36%	-16.82%
Digital	218	220	211	198	191	203	213	213	205	194	189	202
Increase (Decrease) - Prior Year	-5.22%	-4.35%	-6.22%	-4.35%	-7.28%	-5.14%	-6.58%	-4.91%	-5.09%	-4.90%	-5.50%	-2.42%
Internet	1,989	1,981	1,976	1,916	1,914	1,945	1,966	1,997	1,981	1,948	1,933	1,983
Increase (Decrease) - Prior Year	12.12%	12.75%	11.83%	10.69%	11.67%	11.33%	10.51%	12.70%	12.30%	12.60%	3.81%	5.59%
Phone	101	101	97	99	98	98	97	97	94	93	92	92
Increase (Decrease) - Prior Year	0.00%	3.06%	-3.96%	-1.98%	-4.85%	-3.92%	-4.90%	-4.90%	-6.93%	-7.92%	-7.07%	-7.07%
2018 EBU Subscribers												
Basic - Residential	665	666	656	600	590	618	647	646	629	586	573	587
Increase (Decrease) - Prior Year	2.47%	1.99%	1.08%	0.67%	3.33%	2.83%	0.62%	0.94%	1.29%	0.00%	-0.69%	-3.77%
Basic - Bulk	216	216	219	220	220	220	220	220	220	220	220	220
Increase (Decrease) - Prior Year	-17.24%	-8.86%	-7.59%	-7.17%	-7.56%	-7.95%	-7.95%	-7.95%	0.00%	-0.90%	-0.90%	-1.35%
Premium - Residential	284	277	274	257	255	262	270	262	252	238	235	235
Increase (Decrease) - Prior Year	-16.22%	-18.29%	-18.45%	-14.62%	-11.76%	-10.88%	-10.60%	-12.67%	-13.40%	-13.14%	-12.64%	-15.77%
Premium - Bulk	214	214	214	214	214	214	214	214	205	214	214	214
Increase (Decrease) - Prior Year	4.39%	3.88%	3.88%	3.88%	3.38%	3.38%	3.38%	2.88%	15.82%	10.88%	10.31%	10.31%
Digital	230	230	225	207	206	214	228	224	216	204	200	207
Increase (Decrease) - Prior Year	-13.53%	-13.86%	-15.41%	-14.46%	-13.08%	-12.30%	-12.98%	-15.15%	-2.70%	-3.32%	-1.48%	-4.61%
Internet	1,774	1,757	1,767	1,731	1,714	1,747	1,779	1,772	1,764	1,730	1,862	1,878
Increase (Decrease) - Prior Year	0.17%	-0.73%	0.06%	3.96%	2.57%	2.04%	2.30%	0.11%	1.38%	2.61%	9.92%	7.62%
Phone	101	98	101	101	103	102	102	102	101	101	99	99
Increase (Decrease) - Prior Year	-9.01%	-10.09%	2.02%	-7.34%	4.04%	2.00%	2.00%	0.00%	-1.94%	-1.94%	-2.94%	-2.94%
2017 EBU Subscribers												
Basic - Residential	649	653	649	596	571	601	643	640	621	586	577	610
Increase (Decrease) - Prior Year	-5.12%	14.76%	-1.82%	6.81%	-7.75%	-0.66%	-0.16%	2.56%	0.49%	-0.34%	0.17%	-1.77%
Basic - Bulk	261	237	237	237	238	239	239	239	220	222	222	223
Increase (Decrease) - Prior Year	-19.94%	-27.30%	-23.55%	-23.55%	-23.23%	-22.40%	-22.40%	-22.40%	-28.34%	-27.69%	-27.92%	-27.60%
Premium - Residential	339	339	336	301	289	294	302	300	291	274	269	279
Increase (Decrease) - Prior Year	20.21%	20.21%	18.73%	4.88%	-32.16%	-7.26%	-10.65%	-5.66%	-10.74%	-9.57%	-12.38%	-12.81%
Premium - Bulk	205	206	206	206	207	207	207	208	177	193	194	194
Increase (Decrease) - Prior Year	-14.23%	-13.81%	-3.29%	-3.29%	-2.82%	-2.82%	-2.82%	-2.35%	-16.90%	-9.39%	-8.92%	-8.92%
Digital	266	267	266	242	237	244	262	264	222	211	203	217
Increase (Decrease) - Prior Year	2.31%	-8.87%	-10.44%	-13.88%	-11.24%	-6.15%	-3.68%	0.00%	-15.59%	-13.88%	-15.42%	-14.90%
Internet	1,771	1,770	1,766	1,665	1,671	1,712	1,739	1,770	1,740	1,686	1,694	1,745
Increase (Decrease) - Prior Year	8.05%	5.86%	6.45%	4.98%	2.08%	3.82%	2.72%	5.48%	3.94%	11.07%	-3.53%	1.28%
Phone	111	109	99	109	99	100	100	102	103	103	102	102
Increase (Decrease) - Prior Year	18.09%	15.96%	3.13%	11.22%	0.00%	6.38%	-3.85%	-1.92%	-6.36%	-3.74%	-1.92%	-4.67%
2016 EBU Subscribers												
Basic - Residential	684	569	661	558	619	605	644	624	618	588	576	621
Increase (Decrease) - Prior Year												
Basic - Bulk	326	326	310	310	310	308	308	308	307	307	308	308
Increase (Decrease) - Prior Year												
Premium - Residential	282	282	283	287	426	317	338	318	326	303	307	320
Increase (Decrease) - Prior Year												
Premium - Bulk	239	239	213	213	213	213	213	213	213	213	213	213
Increase (Decrease) - Prior Year												
Digital	260	293	297	281	267	260	272	264	263	245	240	255
Increase (Decrease) - Prior Year												
Internet	1,639	1,672	1,659	1,586	1,637	1,649	1,693	1,678	1,674	1,518	1,756	1,723
Increase (Decrease) - Prior Year												
Phone	94	94	96	98	99	94	104	104	110	107	104	107
Increase (Decrease) - Prior Year												

Cable/Phone/Internet Subscribers 2016-present



Shortfall Analytics as of May 31, 2020						Agenda Item 4b	
	Adopted Budget		Reforecasted	Reflects actuals	Reforecasted	Reflects actuals	
	Dec-19		Mar-20	May-20	March to Adopted	to Adopted	Difference
January	\$ 2,012,500	\$	2,255,483	\$ 2,259,727	12.07%	12.28%	0.21%
February	\$ 3,185,752	\$	2,882,173	\$ 2,942,236	-9.53%	-7.64%	1.89%
March	\$ 2,463,242	\$	2,123,739	\$ 1,929,315	-13.78%	-21.68%	-7.89%
April (2)	\$ 2,658,043	\$	2,286,987	\$ 2,219,939	-13.96%	-16.48%	-2.52%
May (1)	\$ 1,424,028	\$	1,153,810	\$ 1,249,875	-18.98%	-12.23%	6.75%
June	\$ 2,020,940	\$	1,440,310		-28.73%		28.73%
July	\$ 1,809,041	\$	1,219,913		-32.57%		32.57%
August	\$ 1,526,649	\$	1,006,843		-34.05%		34.05%
September	\$ 1,530,420	\$	1,007,413		-34.17%		34.17%
October	\$ 1,272,282	\$	1,275,441		0.25%		-0.25%
November	\$ 1,352,844	\$	1,356,003		0.23%		-0.23%
December	\$ 1,924,409	\$	1,911,069		-0.69%		0.69%
Total	\$ 23,180,150	\$	19,919,184	\$ 10,601,092	-14.07%	-54.27%	-40.20%

* Emergency Levels:

Minus 0% - 12%	Normal
Minus 13% - 18%	Significant
Minus 19% - 25%	Major
Minus 26%+	Critical

- Actuals are determined as of the report date. Sales taxes are due by the 20th of the month after collection. May sales taxes are due by June 22nd and are now forecasted at 38.2% of 2019.
- VCA rent waivers were granted for all tenants in April.



Memorandum

To: Town Council
From: Kevin Swain, Finance Director
Date: June 10, 2020
Re: Town of Mountain Village Financial Statements through April 2020

Mountain Village Financials Statements through April 2020

General Fund Summary

The April financials reflect budgets adopted for 2020 and prorated accordingly. While staff are now operating within new and reduced budget guidelines there have been no legislative adjustments made to either revenue or expenditure budgets yet as a result of the virus emergency. As of April 30, 2020, the General Fund reflects a surplus of \$3 million primarily resulting from front end loaded property tax and budgeted expenditure savings. Permit and use taxes are under budget. Sales taxes show a decrease of 14.7% from prior year and are 15.5% under budget. Revenues of \$5.7 million were under the budget by \$416,000 due mainly to sales tax collections.

Total GF operating expenditures of \$2.8 million were under budget by \$204,000.

Transfers to other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Capital Projects Fund (From GF)	\$ 18,439	\$ -	\$ 18,439	18,439
Child Development Fund	\$ -	\$ -	\$ -	-
Conference Center Subsidy	\$ 31,580	\$ 62,600	\$ 88,803	26,203
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 4,548	\$ 266,701	\$ 225,711	(40,990)
Broadband Fund	\$ -	\$ -	\$ -	-
Vehicle & Equipment Acquisition Fund	\$ -	\$ 65,000	\$ 62,402	(2,598)

Income transfers from other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$ 56,421	\$ 231,671	\$ 223,966	(7,705)
*Tourism Fund	\$ 3,017	\$ 40,858	\$ 42,033	1,175
*This transfer is comprised of administrative fees, interest, and penalties collected.				
Debt Service Fund (Specific Ownership Taxes)	\$ 1,452	\$ 10,667	\$ 6,681	(3,986)

Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached

The Bobcat leases were renewed and a police vehicle was purchased.

Capital Projects Fund – No Fund Income Statement Attached

\$30,000 was spent on the Shop remodel.

Historical Museum Fund – No Fund Income Statement Attached

\$78,703 in property taxes were collected and \$77,129 was tendered to the historical museum. The county treasurer retained \$1,574 in treasurer’s fees.

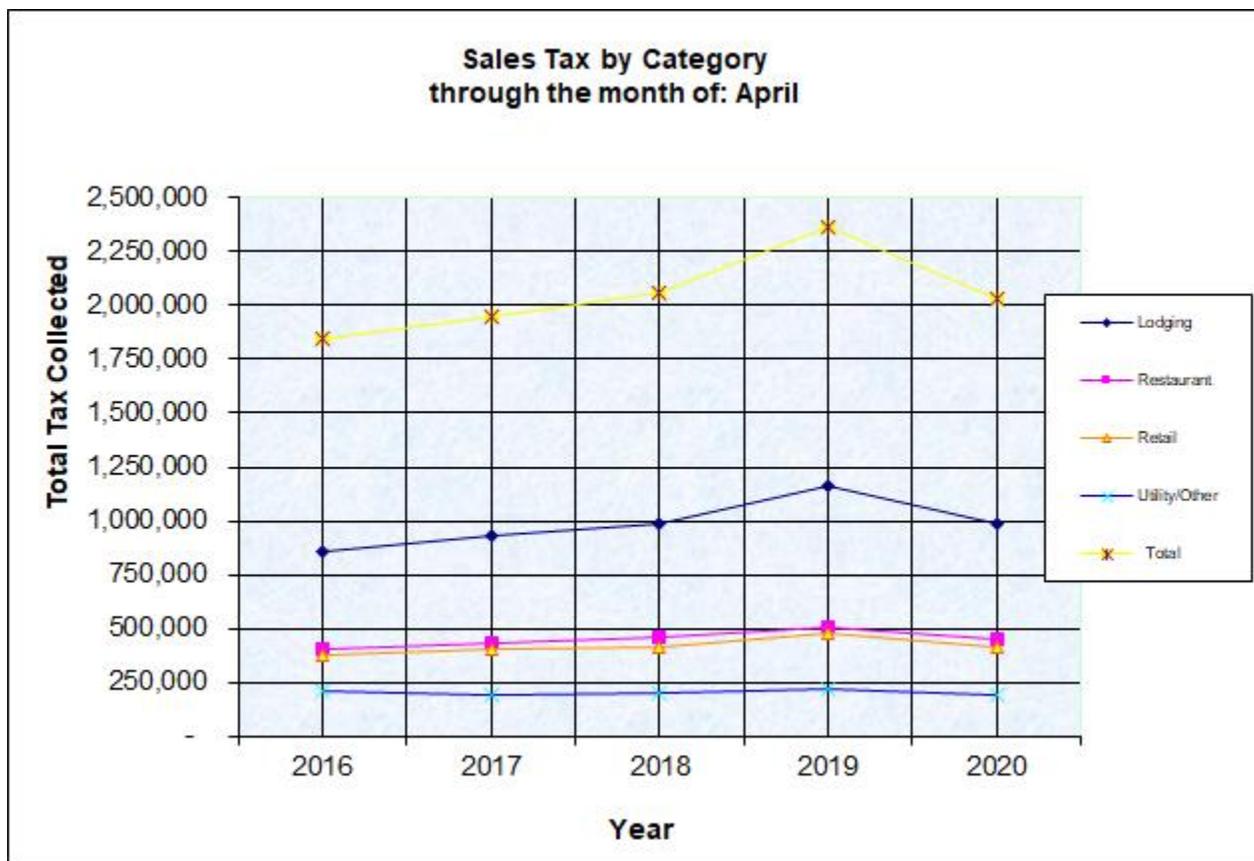
Mortgage Assistance Fund – No Fund Income Statement Attached

There has been no activity in this fund to date.

Sales Tax

Sales taxes of \$2 million are 14.2% under 2019 through this period and are under budget by 15.5%. Lodging shows the highest decrease at 15.2%, followed by retail at 14.8%. \$2,006 of the total sales tax was reported but not paid for February and March and is a receivable in our system.

Actual Sales Tax Base By Class, Through April 2020										
Category	Actual 2016	Actual 2017	PY % Increase	Actual 2018	PY % Increase	Actual 2019	PY % Increase	Actual 2020	PY \$ Variance	PY % Increase
	4.5%	4.5%	2016 to 2017	4.5%	2017 to 2018	4.5%	2018 to 2019	4.5%	2019 to 2020	2019 to 2020
Lodging	19,010,769	20,683,750	9%	21,909,232	6%	25,758,674	18%	21,843,194	(3,915,480)	-15.20%
Restaurant	9,066,646	9,514,031	5%	10,137,216	7%	11,282,634	11%	9,907,463	(1,375,171)	-12.19%
Retail	8,439,833	9,022,652	7%	9,276,418	3%	10,705,758	15%	9,124,242	(1,581,516)	-14.77%
Utility/Other	4,577,098	4,178,720	-9%	4,446,928	6%	4,847,311	9%	4,269,182	(578,129)	-11.93%
Total	41,094,347	43,399,153	6%	45,769,794	5%	52,594,377	15%	45,144,080	(7,450,297)	-14.17%



Tourism Fund

2020 restaurant taxes totaling \$197,947 have been collected and \$193,988 was tendered to the airline guarantee program. \$872,037 in lodging taxes were collected and \$858,957 was tendered to the airline guarantee program and to MTI. The Town retained \$17,039 in administrative fees, and penalties and interest of \$702. \$848 in restaurant tax was reported but not paid and is included in these totals.

Lodging taxes are under prior year by 15.4% and under budget by 21.9%. Restaurant taxes are under prior year and budget by 11.9% and 10.2%, respectively.

Town of Mountain Village Colorado Lodging Tax Summary									
	2016	2017	2018	2019	2020		2019	2020	Budget
	Activity (4%)		Var %	Budget	Var %				
January	193,815	245,628	273,707	300,246	325,337		8.36%	309,715	4.80%
February	249,339	260,809	262,096	310,947	334,514		7.58%	320,726	4.12%
March	304,515	312,990	322,588	401,256	211,392		-47.32%	413,904	-95.80%
April	7,638	8,353	18,205	17,822	795		-95.54%	18,377	-2212.65%
May	16,633	12,493	18,134	24,335	-		-100.00%	25,052	#DIV/0!
June	106,415	122,193	137,760	139,178	-		-100.00%	143,091	#DIV/0!
July	153,342	158,585	170,730	196,062	-		-100.00%	201,679	#DIV/0!
August	111,760	112,264	136,080	160,993	-		-100.00%	165,644	#DIV/0!
September	139,363	148,624	171,040	157,463	-		-100.00%	161,445	#DIV/0!
October	31,322	34,399	34,696	46,789	-		-100.00%	47,928	#DIV/0!
November	14,725	18,535	17,307	14,761	-		-100.00%	14,946	#DIV/0!
December	261,808	290,808	283,658	295,147	-		-100.00%	301,617	#DIV/0!
Total	1,590,676	1,725,680	1,846,001	2,064,998	872,037		-57.77%	2,124,124	-143.58%
Tax Base	39,766,902	43,142,003	46,150,032	51,624,951	21,800,930			53,103,100	

Town of Mountain Village Colorado Restaurant/Bar Tax Summary									
	2016	2017	2018	2019	2020		2019	2020	Budget
	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)		Var %	Budget	Var %
January	48,594	54,097	57,188	62,864	72,585		15.46%	61,033	15.91%
February	60,243	60,144	63,140	66,720	75,366		12.96%	64,777	14.05%
March	71,171	74,202	75,202	87,671	49,831		-43.16%	85,118	-70.81%
April	1,511	1,829	7,119	7,364	166		-97.75%	7,149	-4208.70%
May	4,568	4,448	4,838	4,299	-		-100.00%	4,174	#DIV/0!
June	34,359	34,365	39,048	38,614	-		-100.00%	37,490	#DIV/0!
July	44,827	46,470	46,603	60,113	-		-100.00%	58,363	#DIV/0!
August	35,020	34,998	39,031	44,479	-		-100.00%	43,183	#DIV/0!
September	36,195	39,291	36,920	42,795	-		-100.00%	41,549	#DIV/0!
October	11,312	13,519	12,695	17,556	-		-100.00%	17,045	#DIV/0!
November	5,099	5,352	7,221	3,426	-		-100.00%	3,326	#DIV/0!
December	59,070	54,303	53,383	56,923	-		-100.00%	54,927	#DIV/0!
Total	411,969	423,017	442,390	492,824	197,947		-59.83%	478,134	-141.55%
Tax Base	20,598,437	21,150,852	22,119,524	24,641,203	9,897,361			23,906,700	

Business license fees of \$298,375 are over budget (4%) and prior year (2.4%). \$280,473 was remitted to MTI and \$24,289 in admin fees and penalties were transferred to the General Fund.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020					2019	2018	2017	
	Budget	Budget	Budget	Annual	Budget	Actual YTD	Actual YTD	Actual YTD	
	YTD	Variance	Variance	Budget	Balance				
Actual YTD		(\$)	(%)						
Revenues									
Charges for Services	\$ 37,603	\$ 43,613	\$ (6,010)	-13.78%	\$ 250,458	\$ 212,855	\$ 59,954	\$ 112,221	\$ 127,712
Contributions	19,818	8,333	11,485	137.83%	43,438	23,620	1,036	-	89,709
Fines and Forfeits	2,131	2,907	(776)	-26.69%	11,841	9,710	5,354	2,164	892
Interest Income	133,863	28,122	105,741	376.01%	100,000	(33,863)	91,501	(2,050)	22,965
Intergovernmental	264,963	260,567	4,396	1.69%	565,671	300,708	261,087	246,413	223,215
Licenses and Permits	34,109	43,578	(9,469)	-21.73%	339,828	305,719	50,678	112,759	95,290
Miscellaneous Revenues	43,830	22,234	21,596	97.13%	63,618	19,788	25,405	18,241	30,671
Taxes and Assessments	5,211,308	5,754,305	(542,997)	-9.44%	10,093,727	4,882,419	5,520,301	5,241,937	4,892,997
Total Revenues	5,747,625	6,163,659	(416,034)	-6.75%	11,468,581	5,720,956	6,015,316	5,731,685	5,483,451
Operating Expenses									
Legislation & Council	21,048	21,490	(442)	-2.06%	90,077	69,029	20,690	22,417	14,010
Town Manager	129,269	81,669	47,600	58.28%	279,323	150,054	78,193	82,869	79,092
Town Clerk's Office	124,304	118,345	5,959	5.04%	391,388	267,084	112,764	111,046	112,548
Finance	372,159	378,330	(6,171)	-1.63%	888,502	516,343	349,172	345,084	337,576
Technical	183,038	192,434	(9,396)	-4.88%	511,839	328,801	142,004	154,547	86,028
Human Resources	109,549	124,679	(15,130)	-12.14%	390,805	281,256	115,508	113,037	100,729
Town Attorney	118,892	126,702	(7,810)	-6.16%	376,525	257,633	148,705	139,869	154,088
Communications and Business Development	126,682	126,819	(137)	-0.11%	397,300	270,618	153,873	97,292	81,713
Municipal Court	8,603	11,675	(3,072)	-26.31%	33,540	24,937	9,918	9,016	8,931
Police Department	297,940	310,308	(12,368)	-3.99%	1,021,462	723,522	287,366	273,150	257,715
Community Services	16,822	19,822	(3,000)	-15.13%	58,857	42,035	16,967	14,778	14,635
Community Grants and Contributions	94,293	93,640	653	0.70%	139,717	45,424	62,363	32,850	16,000
Roads and Bridges	260,565	240,059	20,506	8.54%	1,134,249	873,684	220,701	220,851	215,082
Vehicle Maintenance	123,401	140,043	(16,642)	-11.88%	459,870	336,469	130,941	141,324	136,601
Municipal Bus	42,634	36,371	6,263	17.22%	277,932	235,298	32,163	33,440	65,073
Employee Shuttle	20,083	31,395	(11,312)	-36.03%	88,614	68,531	12,664	15,225	12,026
Parks & Recreation	145,998	190,908	(44,911)	-23.52%	573,576	427,579	153,650	175,520	108,635
Plaza Services	339,560	446,079	(106,519)	-23.88%	1,416,917	1,077,357	399,688	388,081	348,744
Public Refuse Removal	17,715	18,915	(1,200)	-6.34%	61,098	43,383	19,026	19,476	12,666
Building/Facility Maintenance	77,516	93,346	(15,830)	-16.96%	295,620	218,104	72,693	43,991	61,287
Building Division	90,029	81,513	8,516	10.45%	362,544	272,515	59,825	84,723	166,139
Housing Division Office	5,973	6,072	(99)	-1.63%	21,439	15,466	5,863	5,559	6,523
Planning and Zoning Division	75,194	114,818	(39,624)	-34.51%	425,935	350,741	96,110	104,351	115,413
Contingency	-	-	-	#DIV/0!	96,971	-	-	-	-
Total Operating Expenses	2,801,267	3,005,432	(204,166)	-6.79%	9,794,100	6,992,834	2,700,847	2,628,496	2,511,254
Surplus / Deficit	2,946,359	3,158,227	(211,869)	-6.71%	1,674,481	(1,271,878)	3,314,469	3,103,189	2,972,197
Capital Outlay	142	150	(8)	-5.33%	48,000	47,858	41,524	24,555	57,228
Surplus / Deficit	2,946,217	3,158,077	(211,861)	-6.71%	1,626,481	(1,319,736)	3,272,945	3,078,634	2,914,969
Other Sources and Uses									
Sale of Assets	-	-	-	#DIV/0!	-	-	12,496	14,183	-
Transfer (To) From Affordable Housing	(225,711)	(266,701)	40,990	-15.37%	(567,814)	(342,103)	(263,131)	(229,585)	(216,200)
Transfer (To) From Affordable Housing-Housing Off	-	-	-	#DIV/0!	21,439	21,439	-	-	-
Transfer (To) From Broadband	-	-	-	#DIV/0!	(2,098,973)	(2,098,973)	-	-	-
Transfer (To) From Child Development	-	-	-	#DIV/0!	(148,468)	(148,468)	(9,660)	(1,662)	-
Transfer (To) From Capital Projects	(18,439)	-	(18,439)	#DIV/0!	(2,246,546)	(2,228,107)	-	(19,724)	(22,558)
Transfer (To) From Debt Service	6,681	10,667	(3,986)	-37.37%	32,000	25,319	8,579	9,881	6,562
Transfer (To) From Overhead Allocation	223,966	231,671	(7,705)	-3.33%	588,345	364,379	233,139	165,825	156,987
Transfer (To) From Parking Services	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From Conference Center	(88,803)	(62,600)	(26,203)	41.86%	(277,079)	(188,276)	(79,849)	(102,882)	(102,193)
Transfer (To) From Tourism	42,033	40,858	1,175	2.88%	68,343	26,310	16,620	33,843	42,272
Transfer (To) From Vehicle/Equipment	(62,402)	(65,000)	2,598	-4.00%	(182,671)	(120,269)	(14,602)	(206,816)	(369,559)
Transfer (To) From Water/Sewer	-	-	-	#DIV/0!	-	-	-	-	-

	2020					2019	2018	2017	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Total Other Sources and Uses	(122,675)	(111,105)	(11,571)	10.41%	(4,811,424)	(4,688,749)	(96,390)	(336,938)	(504,689)
Surplus / Deficit	\$ 2,823,541	\$ 3,046,972	\$ (223,431)	-7.33%	\$ (3,184,943)	\$ (6,008,484)	\$ 3,176,555	\$ 2,741,696	\$ 2,410,280
Beginning Fund Balance Components	Actual YTD				Annual Budget				
Emergency Reserve	\$	3,427,935			\$	3,427,935			
Unreserved		10,275,676				8,965,424			
Beginning Fund Balance	\$	13,703,611			\$	12,393,359			
YTD Ending Fund Balance Components									
Emergency Reserve	\$	3,427,935			\$	3,427,935			
Facility Maint Reserve		155,000				155,000			
Unreserved		12,944,217				5,625,481			
Ending Fund Balance	\$	16,527,152			\$	9,208,416			

Revenues

Taxes & Assessments - Property taxes are lagging budget \$149,600. Specific Ownership taxes are under budget by \$6,100 and are \$9,800 less than prior year.
Sales tax revenues are 15.5% under budget and 14.7% less than prior year. Construction use tax is under prior year and budget.
Licenses & Permits - All permits are under budget.
Intergovernmental - Intergovernmental revenues are over budget due to R&B taxes and highway user tax funds.
Charges for Services - Plan review fees are under budget.
Fines & Forfeitures - Traffic fines are under budget.
Investment Income - Interest is exceeding the annual budget and prior year but includes a gain/(loss) on investments which is expected to decline.
Miscellaneous - Over budget due to an SMPA dividend check and a CDOT grant and SMART charges for Bus service after the Gondola shut down.
Contributions - Reimbursements for the roof waiver program and defensible space have been recorded.

Top Ten Budget Variances

Under Budget

Plaza Services - \$106,519 Savings in personnel expense and natural gas.
Parks and Recreation - \$44,911 Natural gas for the Zamboni room and electric for the ice rink is under budget.
Planning & Zoning - \$39,624 Savings in personnel costs.
Vehicle Maintenance- \$16,642 Personnel costs are under budget.

Over Budget

Town Manager - \$47,600 Used the PTO payout option due to the pandemic.
Road & Bridge - \$20,506 Over because of a major vehicle repair.
Building Division - \$8,516 Over budget in energy mitigation funds using revenues received in previous years.
Municipal Bus Service - \$6,263 Administrative offset is less than budget. (This is the amount charged to Gondola for admin personnel based on actual hours)
Town Clerk's Office- \$5,959 Over budget due to a large PTO payout early in the year.
Community Grants and Contributions- \$653 Over budget due to fees.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020						2019	2018	2017
	Actual	Budget	Budget	Budget	Annual	Budget	Actual	Actual	Actual
	YTD	YTD	Variance	Variance	Budget	Balance	YTD	YTD	YTD
		(\$)	(%)						
Tourism Fund									
Revenues									
Business License Fees	\$ 298,375	\$ 285,905	\$ 12,470	4%	\$ 315,307	\$ 16,932	\$ 291,423	\$ 292,279	\$ 293,559
Lodging Taxes - Condos/Homes	517,820	624,856	(107,036)	-17%	1,166,389	648,569	605,410	514,038	481,550
Lodging Taxes - Hotels	354,217	437,866	(83,649)	-19%	957,735	603,518	424,860	360,970	346,230
Lodging Taxes - Prior Year	(338)	-	(338)	#DIV/0!	-	338	2,537	4,815	692
Penalties and Interest	7,089	3,401	3,688	108%	10,500	3,411	3,490	10,609	8,426
Restaurant Taxes	197,947	218,078	(20,131)	-9%	478,134	280,187	224,619	202,332	190,272
Restaurant Taxes - Prior Year	348	-	348	#DIV/0!	-	(348)	1,779	394	-
Total Revenues	1,375,458	1,570,106	(194,648)	-12%	2,928,065	1,552,607	1,554,118	1,385,437	1,320,729
Tourism Funding									
Additional Funding	-	-	-	#DIV/0!	-	-	24,375	11,555	-
Airline Guaranty Funding	621,462	734,450	(112,989)	-15%	1,509,392	887,930	727,945	629,785	592,418
MTI Funding	711,964	794,798	(82,835)	-10%	1,347,830	635,866	785,177	710,255	686,039
Total Tourism Funding	1,333,425	1,529,248	(195,823)	115%	2,857,222	1,523,797	1,537,498	1,351,594	1,278,457
Surplus / Deficit	42,033	40,858	1,175	3%	70,843	28,810	16,620	33,843	42,272
Administrative Fees									
Audit Fees	-	-	-	#DIV/0!	2,500	2,500	-	-	-
Total Administrative Fees	-	-	-	#DIV/0!	2,500	2,500	-	-	-
Surplus / Deficit	42,033	40,858	1,175	3%	68,343	26,310	16,620	33,843	42,272
Other Sources and Uses									
Transfer (To) From Other Funds	(42,033)	(40,858)	(1,175)	3%	(68,343)	(26,310)	(16,620)	(33,843)	(42,272)
Total Other Sources and Uses	(42,033)	(40,858)	(1,175)	3%	(68,343)	(26,310)	(16,620)	(33,843)	(42,272)
Surplus / Deficit	\$ -	\$ -	\$ -		\$ -		\$ -	\$ -	\$ -

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

2020						2019	2018	2017
Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Parking Services Fund								
Revenues								
Contributions/Shared Facility Expenses	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ 666	\$ 621
Fines and Forfeits	12,750	15,695	(2,945)	-19%	38,465	25,715	19,695	15,749
Gondola Parking Garage	36,185	15,778	20,407	129%	79,903	43,718	18,545	13,715
Heritage Parking Garage	71,232	85,205	(13,973)	-16%	209,163	137,931	100,917	79,611
Parking in Lieu Buyouts	-	-	-	#DIV/0!	-	-	-	-
Parking Meter Revenues	8,106	8,004	102	1%	22,587	14,481	9,046	6,862
Parking Permits	4,005	6,233	(2,228)	-36%	12,000	7,995	5,895	3,120
Special Event Parking	-	-	-	#DIV/0!	106,000	106,000	-	-
Total Revenues	132,278	130,915	1,363	1%	468,118	335,840	154,098	119,723
Operating Expenses								
Other Operating Expenses	2,309	2,540	(231)	-9%	4,769	2,460	1,469	2,338
Personnel Expenses	41,095	50,456	(9,361)	-19%	147,941	106,846	46,512	37,478
Gondola Parking Garage	13,030	19,693	(6,663)	-34%	70,084	57,054	24,506	11,171
Surface Lots	7,214	7,397	(183)	-2%	28,900	21,686	1,828	2,181
Heritage Parking Garage	31,281	35,115	(3,834)	-11%	92,680	61,399	30,520	28,099
Meadows Parking	-	-	-	#DIV/0!	1,000	1,000	-	-
Total Operating Expenses	94,929	115,201	(20,272)	-18%	345,374	250,445	104,835	81,267
Surplus / Deficit	37,349	15,714	21,635	138%	122,744	85,395	49,263	38,456
Capital								
Capital	5,415	5,500	(85)	-2%	79,800	74,385	2,920	-
Surplus / Deficit	31,934	10,214	21,720	213%	42,944	11,010	46,343	38,456
Other Sources and Uses								
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-
Overhead Allocation	(13,448)	(13,448)	-	0%	(33,620)	(20,172)	(16,535)	(10,141)
Transfer (To) From General Fund	-	-	-	#DIV/0!	-	-	-	-
Total Other Sources and Uses	(13,448)	(13,448)	-	0%	(33,620)	(20,172)	(16,535)	(10,141)
Surplus / Deficit	\$ 18,486	\$ (3,234)	\$ -	0%	\$ 9,324	\$ 29,808	\$ 28,315	\$ 39,926
Beginning Fund Balance	\$ 268,678	\$ 170,442	\$ 98,236					
Ending Fund Balance	\$ 287,164	\$ 167,208	\$ 119,956					

Parking revenues are over budget \$1,363. HPG revenues are under budget 16% and under prior year 29%. Parking meter (surface lots) revenues are under budget 27% and under prior year \$940. GPG is over budget and prior year 129% and 95%. This is due to the timing of purchases of valet tickets, purchased in bulk. Parking fines are under budget 19%. Personnel costs and other (general parking) costs are under budget. GPG is under budget in general maintenance and supplies. Surface lots are tracking with budget. HPG has budget savings in tech support and supplies. The 2020 transfer to the General Fund is \$13,448, which is the overhead allocation.

Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020

	2020					2019	2018	2017	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Gondola Fund									
Revenues									
Event Operations Funding	\$ 6,831	\$ -	\$ 6,831	#DIV/0!	\$ -	\$ (6,831)	\$ 1,896	\$ 2,667	\$ 5,148
Event Operations Funding - TOT	-	-	-	#DIV/0!	36,000	36,000	-	-	-
Operations Grant Funding	39,740	-	39,740	#DIV/0!	141,240	101,500	-	42,252	36,940
Capital/MR&R Grant Funding	-	-	-	#DIV/0!	470,800	470,800	-	331,569	88,000
Insurance Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Miscellaneous Revenues	-	-	-	#DIV/0!	-	-	-	661	-
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
TMVOA Operating Contributions	1,146,661	1,300,118	(153,457)	-11.80%	3,957,059	2,810,398	888,659	1,116,739	1,031,169
TMVOA Capital/MR&R Contributions	7,782	-	7,782	#DIV/0!	316,200	308,418	94,942	195,324	289,668
TSG 1% Lift Sales	146,951	172,818	(25,867)	-14.97%	200,000	53,049	183,520	155,406	163,196
Total Revenues	1,347,965	1,472,936	(124,971)	-8.48%	5,121,299	3,773,334	1,169,017	1,844,618	1,614,121
Operating Expenses									
Overhead Allocation Transfer	10,628	18,333	(7,705)	-42.03%	55,000	44,372	10,764	16,035	14,393
MAARS	17,036	20,647	(3,611)	-17.49%	76,246	59,210	13,869	18,333	18,570
Chondola	69,373	91,683	(22,310)	-24.33%	274,901	205,528	79,796	151,764	90,323
Grant Success Fees	-	-	-	#DIV/0!	8,500	8,500	-	-	-
Operations	597,397	654,591	(57,194)	-8.74%	1,931,459	1,334,062	485,062	570,484	550,274
Maintenance	473,140	483,032	(9,892)	-2.05%	1,407,997	934,857	322,473	393,164	393,914
FGOA	172,609	196,175	(23,566)	-12.01%	455,556	282,947	162,111	167,945	168,979
Major Repairs and Replacements	7,782	8,475	(693)	-8.18%	675,000	667,218	94,942	526,570	161,718
Contingency	-	-	-	#DIV/0!	124,640	124,640	-	-	-
Total Operating Expenses	1,347,965	1,472,936	(124,971)	-8.48%	5,009,299	3,661,334	1,169,017	1,844,295	1,398,171
Surplus / Deficit	-	-	-	0.00%	112,000	112,000	-	323	215,950
Capital									
Capital Outlay	-	-	-	#DIV/0!	112,000	112,000	-	323	215,950
Surplus / Deficit	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund is \$124,971 under budgeted operating expenditures.

MARRS is under budget with savings in employee costs. Chondola expenses are under budget due mainly to operations and maintenance wages and Telski utilities. Gondola operations is under budget in all personnel cost due to the early shut down. Maintenance is under budget with savings in employee costs. FGOA costs are under budget in electricity. MR&R expenditures were for station upgrades and lightning array repairs. There have been no capital expenditures to date.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020				2019	2018	2017		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Child Development Fund									
Revenues									
Infant Care Fees	\$ 19,888	\$ 27,188	(7,300)	-26.85%	\$ 86,064	\$ 66,176	\$ -	\$ -	\$ -
Toddler Care Fees	43,356	59,653	(16,297)	-27.32%	193,832	150,476	82,503	89,820	92,092
Fundraising Revenues - Toddler	-	-	-	#DIV/0!	8,450	8,450	265	1,950	1,184
Fundraising Revenues - Infant	-	-	-	#DIV/0!	3,550	3,550	-	-	-
Fundraising Revenues - Preschool	-	-	-	#DIV/0!	5,000	5,000	650	-	-
Regional Childcare Tax - Infant	15,000	15,000	-	0.00%	25,000	10,000	-	-	-
Regional Childcare Tax - Toddler	15,000	10,000	5,000	50.00%	10,000	(5,000)	-	-	-
Grant Revenues - Toddler	25,133	25,000	133	0.53%	35,500	10,367	23,125	29,505	24,450
Grant Revenues - Infant	25,233	25,000	233	0.93%	10,000	(15,233)	-	-	-
Grant Revenues - Preschool	19,134	20,000	(866)	-4.33%	30,000	10,866	18,183	14,700	13,000
Preschool Fees	41,268	57,021	(15,753)	-27.63%	177,167	135,899	62,514	57,631	56,390
Total Revenues	204,012	238,862	(34,850)	-14.59%	584,563	380,551	187,240	193,606	187,116
Operating Expenses									
Infant Care Other Expense	3,015	6,912	(3,897)	-56.38%	28,074	25,059	-	-	-
Infant Care Personnel Expense	39,497	45,432	(5,935)	-13.06%	137,957	98,460	-	-	-
Toddler Care Other Expense	11,222	8,930	2,292	25.67%	61,736	50,514	25,551	19,263	20,170
Toddler Care Personnel Expense	75,250	80,872	(5,622)	-6.95%	259,844	184,594	111,241	110,562	99,745
Preschool Other Expense	8,749	18,245	(9,496)	-52.05%	55,097	46,348	14,582	16,783	10,601
Preschool Personnel Expense	47,793	48,790	(997)	-2.04%	190,323	142,530	45,526	48,660	45,762
Total Operating Expenses	185,526	209,181	(23,655)	-11.31%	733,031	547,505	196,900	195,268	176,278
Surplus / Deficit	18,486	29,681	(11,195)	-37.72%	(148,468)		(9,660)	(1,662)	10,838
Other Sources and Uses									
Contributions	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund	-	-	-	#DIV/0!	148,468	148,468	9,660	1,662	-
Total Other Sources and Uses	-	-	-	#DIV/0!	148,468	148,468	9,660	1,662	-
Surplus / Deficit	\$ 18,486	\$ 29,681	\$ 11,195	37.72%	\$ -		\$ -	\$ -	\$ 10,838

Child Development revenues are \$35,000 under budget or 14.6%. At this time, grant monies fill in some of the gap. The regional childcare tax helps offset staff expenses in the toddler and infant room. Operating expenses are \$23,700 under budget due primarily to scholarship costs and personnel expense, which was affected by the closure. The program has required \$0 in funding from the General Fund in 2020.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

		2020				2019	2018	2017	
Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD	
Water & Sewer Fund									
Revenues									
Mountain Village Water and Sewer	\$ 876,383	\$ 878,588	\$ (2,205)	-0.25%	\$ 2,919,609	\$ 2,043,226	\$ 854,237	\$ 959,141	\$ 756,816
Other Revenues	998	3,655	(2,657)	-72.69%	13,450	12,452	2,665	2,538	3,830
Ski Ranches Water	80,598	72,049	8,549	11.87%	225,085	144,487	60,941	49,434	48,456
Skyfield Water	7,018	7,835	(817)	-10.43%	30,517	23,499	7,911	7,003	6,276
Total Revenues	964,997	962,127	2,870	0.30%	3,188,661	2,223,664	925,754	1,018,116	815,378
Operating Expenses									
Mountain Village Sewer	140,391	150,366	(9,975)	-6.63%	570,784	430,393	131,339	149,267	148,090
Mountain Village Water	286,773	296,833	(10,060)	-3.39%	1,144,787	858,014	272,695	333,673	264,203
Ski Ranches Water	2,281	16,247	(13,966)	-85.96%	42,005	39,724	9,596	5,214	3,190
Contingency	-	-	-	#DIV/0!	35,152	35,152	-	-	-
Total Operating Expenses	429,445	463,446	(34,001)	-7.34%	1,792,728	1,363,283	413,630	488,154	415,483
Surplus / Deficit	535,552	498,681	36,871	7.39%	1,395,933		512,124	529,962	399,895
Capital									
Capital Outlay	9,657	9,700	(43)	-0.44%	1,101,751	1,092,094	88,980	62,005	31,012
Surplus / Deficit	525,895	488,981	36,914	7.55%	294,182		423,144	467,957	368,883
Other Sources and Uses									
Overhead Allocation Transfer	(69,804)	(69,804)	-	0.00%	(174,511)	(104,707)	(68,390)	(50,802)	(48,201)
Mountain Village Tap Fees	-	-	-	#DIV/0!	100,000	100,000	-	38,224	158,168
Grants	-	-	-	#DIV/0!	-	-	-	-	-
Ski Ranches Tap Fees	-	-	-	#DIV/0!	5,000	5,000	-	-	6,320
Skyfield Tap Fees	-	-	-	#DIV/0!	2,000	2,000	-	-	-
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	(69,804)	(69,804)	-	0.00%	(67,511)	2,293	(68,390)	(12,578)	116,287
Surplus / Deficit	\$ 456,091	\$ 419,177	\$ 36,914	8.81%	\$ 226,671		\$ 354,754	\$ 455,379	\$ 485,170

Mountain Village is under budget in excess water fees and snowmaking but base fees are over budget, Ski Ranch water is over budget in excess water fees. Other revenues are under in late payment penalties (which have been waived the past few months) and maintenance fees. Sewer expenditures are under budget by 7%, primarily for (TOT) regional sewer charges. MV water is under budget in legal, electricity, and insurance, but over in personnel costs. Ski Ranch operations is under budget with savings in employee costs and repair and maintenance. Capital costs were for Ski Ranches capital and sewer plant.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020					2019	2018	2017	
Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD	
Broadband Fund									
Revenues									
Cable User Fees	\$ 340,908	\$ 350,259	\$ (9,351)	-2.67%	\$ 1,022,472	\$ 681,564	\$ 340,901	\$ 327,229	\$ 305,927
Internet User Fees	370,035	317,563	52,472	16.52%	946,666	576,631	370,730	344,050	317,366
Other Revenues	13,451	23,475	(10,024)	-42.70%	68,640	55,819	17,102	18,107	19,685
Phone Service Fees	12,821	14,735	(1,914)	-12.99%	43,000	29,549	13,973	14,171	12,964
Total Revenues	737,215	706,032	31,183	4.42%	2,080,778	1,343,563	742,706	703,557	655,942
Operating Expenses									
Cable Direct Costs	286,281	315,719	(29,438)	-9.32%	904,834	618,553	290,293	279,934	272,720
Phone Service Costs	6,961	4,127	2,834	68.67%	12,000	5,039	7,678	7,866	8,136
Internet Direct Costs	54,616	57,529	(2,913)	-5.06%	190,000	135,384	71,237	68,000	78,800
Cable Operations	237,784	237,802	(18)	-0.01%	711,022	473,238	177,359	171,524	166,256
Contingency	-	-	-	#DIV/0!	3,000	3,000	-	2,313	-
Total Operating Expenses	585,642	615,177	(29,535)	-4.80%	1,820,856	1,235,214	546,567	529,637	525,912
Surplus / Deficit	151,573	90,855	60,718	66.83%	259,922		196,139	173,920	130,030
Capital									
Capital Outlay	310,448	315,000	(4,552)	-1.45%	2,181,645	1,871,197	1,588	-	30,000
Surplus / Deficit	(158,875)	(224,145)	65,270	-29.12%	(1,921,723)		194,551	173,920	100,030
Other Sources and Uses									
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Transfer from General Fund	-	-	-	#DIV/0!	2,098,973	2,098,973	-	-	-
Transfer (To) From General Fund	-	-	-	#DIV/0!	(10,000)	(10,000)	-	-	-
Overhead Allocation Transfer	(70,900)	(70,900)	-	0.00%	(167,250)	(96,350)	(68,294)	(52,419)	(47,298)
Total Other Sources and Uses	(70,900)	(70,900)	-	0.00%	1,921,723	1,992,623	(68,294)	(52,419)	(47,298)
Surplus / Deficit	\$ (229,775)	\$ (295,045)	\$ 65,270	-22.12%	\$ -		\$ 126,257	\$ 121,501	\$ 52,732
Beginning (Available) Fund Balance	\$ -	\$ -	\$ -						
Ending (Available) Fund Balance	\$ (229,775)	\$ (295,045)	\$ 65,270						

Cable user revenues are under budget 3% and the same as prior year. Although rates have increased, subscribers are down. Internet revenues are over budget 16.5% and even with prior year. Other revenues are under budget 38% due primarily to late payment penalties (which have been waived the past few months), parts and labor revenues, and equipment rental. Direct costs for cable are under budget and lower than prior year. Internet costs are over budget due to a reciprocal agreement for traded services and a 2019 invoice expensed in 2020. Phone service revenues are under budget by 13%, while phone service expenses are over budget by 69%. Broadband operating expenses are on budget at this time. Capital expenses are for continuing system upgrades.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Telluride Conference Center Fund									
Revenues									
Beverage Revenues	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	#DIV/0!	-	-	-	-	-
Facility Rental	-	-	-	#DIV/0!	-	-	-	-	-
Operating/Other Revenues	-	-	-	#DIV/0!	-	-	-	-	-
Total Revenues	-	-	-	#DIV/0!	-	-	-	-	-
Operating Expenses									
General Operations	4,600	4,600	-	0.00%	50,000	45,400	-	2,017	-
Administration	59,203	33,000	26,203	79.40%	107,079	47,876	48,378	46,293	46,629
Marketing	25,000	25,000	-	0.00%	100,000	75,000	25,000	50,000	50,000
Contingency	-	-	-	#DIV/0!	-	-	-	-	-
Total Operating Expenses	88,803	62,600	26,203	41.86%	257,079	168,276	73,378	98,310	96,629
Surplus / Deficit	(88,803)	(62,600)	(26,203)	41.86%	(257,079)		(73,378)	(98,310)	(96,629)
Capital Outlay/ Major R&R	-	-	-	#DIV/0!	20,000	20,000	6,471	4,572	5,564
Surplus / Deficit	(88,803)	(62,600)	(26,203)	41.86%	(277,079)		(79,849)	(102,882)	(102,193)
Other Sources and Uses									
Damage Receipts	-	-	-	#DIV/0!	-	-	-	-	-
Insurance Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund	88,803	62,600	26,203	41.86%	277,079	188,276	79,849	102,882	102,193
Overhead Allocation Transfer	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	88,803	62,600	26,203	74.00%	277,079	188,276	79,849	102,882	102,193
Surplus / Deficit	\$ -	\$ -	\$ -	#DIV/0!	\$ -		\$ -	\$ -	\$ -

Expenses for the year are HOA dues, consulting, and contracted marketing \$'s.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020				Annual Budget	Budget Balance	2019 Actual YTD	2018 Actual YTD	2017 Actual YTD
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)					
Affordable Housing Development Fund									
Revenues									
Contributions	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Rental Income	11,804	10,519	1,285	12.22%	34,630	22,826	10,199	4,380	4,160
Sales Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Total Revenues	11,804	10,519	1,285	12.22%	34,630	22,826	10,199	4,380	4,160
Operating Expenses									
Community Garden	-	-	-	#DIV/0!	750	750	-	-	-
Property Purchase Expenses	-	-	-	#DIV/0!	-	-	-	-	-
Leased Properties	8,400	8,400	-	0.00%	21,600	13,200	6,329	-	-
HA Consultant	-	-	-	#DIV/0!	-	-	-	-	4,900
RHA Funding	46,625	46,313	313	0.67%	92,625	46,000	50,000	50,000	50,000
Town Owned Properties	6,572	6,600	(28)	-0.42%	10,804	4,232	13,601	18,609	10,621
Density Bank	16,475	16,475	-	0.00%	16,475	-	14,580	8,856	8,856
Total Operating Expenses	78,072	77,788	285	0.37%	142,254	64,182	84,510	77,465	74,377
Surplus / Deficit	(66,268)	(67,269)	(1,001)	1.49%	(107,624)	(41,356)	(74,311)	(73,085)	(70,217)
Other Sources and Uses									
Transfer (To) From MAP	-	-	-	#DIV/0!	(60,000)	(60,000)	-	-	-
Gain or Loss on Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund - Sales Tax	225,711	266,701	(40,990)	-15.37%	567,814	342,103	263,131	229,585	216,200
Transfer (To) From VCA (1)	-	-	-	#DIV/0!	(2,124,016)	(2,124,016)	-	-	-
Transfer (To) From General Fund Housing Office	-	-	-	#DIV/0!	(21,439)	(21,439)	-	-	-
Total Other Sources and Uses	225,711	266,701	(40,990)	-15.37%	(1,637,641)	(1,863,352)	263,131	229,585	216,200
Surplus / Deficit	\$ 159,443	\$ 199,433	\$ 39,990	20.05%	\$ (1,745,265)	\$ (1,904,708)	\$ 188,820	\$ 156,500	\$ 145,983
Beginning Fund Equity Balance	\$ 2,184,135	\$ 2,091,257	\$ 92,878						
Ending Equity Fund Balance	\$ 2,343,578	\$ 2,290,690	\$ 52,889						

1. For the VCA phase 4 expansion.

Expenses consist of HOA dues, which were increased by 13% from prior year, lease payments for a rental unit, RHA funding, and maintenance and utilities on town owned properties.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Vary (\$)	Budget Var (%)	Annual Budget	Budget Balance	Actual	Actual	Actual
Village Court Apartments									
Operating Revenues									
Rental Income	\$ 580,799	\$ 754,247	\$ (173,448)	-23%	\$ 2,262,741	\$ 1,681,942	\$ 757,889	\$ 759,345	\$ 747,208
Other Operating Income	43,021	31,217	11,805	38%	93,850	50,829	39,793	37,471	31,477
Less: Allowance for Bad Debt	-	-	-	#DIV/0!	-	-	-	-	-
Total Operating Revenue	623,820	785,463	(161,644)	-21%	2,356,591	1,732,771	797,682	796,816	778,685
Operating Expenses									
Office Operations	70,792	80,081	9,290	12%	222,205	151,413	65,574	58,849	52,733
General and Administrative	127,250	102,233	(25,017)	-24%	138,181	10,931	93,630	89,818	107,506
Utilities	150,250	73,743	(76,507)	-104%	223,229	72,979	147,026	138,078	136,152
Repair and Maintenance	162,774	198,070	35,296	18%	643,043	480,269	147,273	119,049	135,937
Major Repairs and Replacement	40,664	40,867	202	0%	278,300	237,636	119,329	38,486	43,637
Contingency	-	-	-	0%	15,050	15,050	-	-	-
Total Operating Expenses	551,730	494,993	(56,736)	-11%	1,520,008	968,278	572,831	444,280	475,965
Surplus / (Deficit) After Operations	72,090	290,470	(218,380)	-75%	836,583		224,852	352,536	302,720
Non-Operating (Income) / Expense									
Investment Earning	(1,360)	(1,167)	193	17%	(3,500)	(2,140)	(2,838)	(1,186)	(66)
Debt Service, Interest	91,953	94,163	2,210	2%	788,277	696,324	94,163	97,284	97,795
Debt Service, Fees	-	-	-	#DIV/0!	100,000	100,000	-	-	2,414
Debt Service, Principal	-	-	-	#DIV/0!	378,858	378,858	-	-	-
Total Non-Operating (Income) / Expense	90,593	92,996	2,403	3%	1,263,635	1,173,042	91,325	96,098	100,143
Surplus / (Deficit) Before Capital	(18,503)	197,474	(215,977)	-109%	(427,052)		133,526	256,438	202,577
Capital Spending	3,835	5,000	1,165	23%	14,684,000	14,680,165	84,669	8,636	1,359
Surplus / (Deficit)	(22,338)	192,474	(214,812)	-112%	(15,111,052)		48,858	247,802	201,218
Other Sources / (Uses)									
Transfer (To)/From General Fund	(59,186)	(59,186)	-	0%	(147,964)	(88,778)	(65,184)	(36,427)	(37,388)
New Loan Proceeds	-	-	-	100%	13,135,000	13,135,000	-	-	-
Sale of Assets	-	-	-	0%	-	-	-	-	2,068
Grant Revenues	-	-	-	0%	-	-	-	-	-
Transfer From AHDF	-	-	-	0%	2,124,016	2,124,016	-	-	-
Total Other Sources / (Uses)	(59,186)	(59,186)	-	0%	15,111,052	2,124,016	(65,184)	(36,427)	(35,320)
Surplus / (Deficit)	(81,524)	133,288	(214,812)	-161%	-		(16,326)	211,375	165,898

Rent revenues are under budget and prior year by 23% because of the April rent waiver. Other revenues are over budget 38% due mostly to a dividend check from SMPA. Office operations are under budget 12% which is mainly due to worker's compensation. General and administrative is over budget 24% due to property insurance (which increased because of the anticipated expansion) and legal fees. Utilities are 104% over budget in electricity and cable and over last year in water/sewer. Budget overages are due to unmatched timing of expenses to reimbursements for electric submetering and cable accounts dropping off with lease changes. Maintenance is under budget 18% due to employee costs due primarily to the unfilled Maintenance Manager position. MR&R expenses include carpet, vinyl, and cabinet replacement, appliances, hot water heaters, signage, and the bobcat lease.

**Town of Mountain Village Monthly Revenue and Expenditure Report
April 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Debt Service Fund									
Revenues									
Abatements	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	-	-	-	#DIV/0!	199,600	199,600	-	-	-
Miscellaneous Revenue	-	-	-	#DIV/0!	-	-	-	-	-
Property Taxes	411,713	414,333	(2,620)	-0.63%	548,019	136,306	437,301	370,143	239,395
Reserve/Capital/Liquidity Interest	1,281	333	948	284.60%	2,000	719	1,695	1,472	1,212
Specific Ownership Taxes	6,681	10,667	(3,986)	-37.37%	32,000	25,319	8,597	9,881	6,562
Total Revenues	419,675	425,333	(5,658)	140.00%	781,619	361,944	447,594	381,496	247,169
Debt Service									
2001/2011 Bonds - Gondola - Paid by contributions from TMVOA and TSG									
2001/2011 Bond Issue - Interest	-	-	-	#DIV/0!	79,600	79,600	-	-	-
2001/2011 Bond Issue - Principal	-	-	-	#DIV/0!	120,000	120,000	-	-	-
2005 Bonds - Telluride Conference Center - (refunding portion)									
2005 Bond Issue - Interest	-	-	-	#DIV/0!	-	-	-	-	-
2005 Bond Issue - Principal	-	-	-	#DIV/0!	-	-	-	-	-
2006/2014 Bonds - Heritage Parking									
2014 Bond Issue - Interest	-	-	-	#DIV/0!	245,025	245,025	-	-	-
2014 Bond Issue - Principal	-	-	-	#DIV/0!	285,000	285,000	-	-	-
2007 Bonds - Water/Sewer (refunding 1997)									
2007 Bond Issue - Interest	-	-	-	#DIV/0!	-	-	-	-	-
2007 Bond Issue - Principal	-	-	-	#DIV/0!	-	-	-	-	-
2009 Bonds - Telluride Conference Center (refunding 1998 bonds)									
2009 Bond Issue - Interest	-	-	-	#DIV/0!	-	-	-	-	-
2009 Bond Issue - Principal	-	-	-	#DIV/0!	-	-	-	-	-
Total Debt Service	-	-	-	#DIV/0!	729,625	729,625	-	-	-
Surplus / (Deficit)	419,675	425,333	(5,658)	-1.33%	51,994		447,594	381,496	247,169
Operating Expenses									
Administrative Fees	288	3,158	(2,870)	-90.88%	3,158	2,870	328	250	250
County Treasurer Collection Fees	12,352	13,128	(776)	-5.91%	16,763	4,411	13,128	11,112	74,015
Total Operating Expenses	12,640	16,286	(3,646)	-22.39%	19,921	7,281	13,456	11,362	74,265
Surplus / (Deficit)	407,035	409,047	(2,012)	-0.49%	32,073		434,138	370,133	172,904
Other Sources and Uses									
Transfer (To) From General Fund	(6,681)	(10,667)	3,986	-37.37%	(32,000)	(25,319)	(8,597)	(9,881)	(6,562)
Transfer (To) From Other Funds (1)	-	-	-	#DIV/0!	-	-	-	-	-
Bond Premiums	-	-	-	#DIV/0!	-	-	-	-	-
Proceeds From Bond Issuance	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	(6,681)	(10,667)	3,986	-37.37%	(32,000)	(25,319)	(8,597)	(9,881)	(6,562)
Surplus / (Deficit)	\$ 400,354	\$ 398,380	\$ 1,974	0.50%	\$ 73		\$ 425,541	\$ 360,253	\$ 166,341
Beginning Fund Balance	\$ 405,573	\$ 405,770	\$ (197)						
Ending Fund Balance	\$ 805,927	\$ 804,150	\$ 1,777						

June 10, 2020

TO: Mayor Benitez and The Town of Mountain Village Town Council

FROM: Kevin Swain

RE: Town Council Budget 2021 Goals, Policies and Initiatives

INTRODUCTION

As the 2021 Budget adoption process is now underway the next step in getting to adoption is for the Town Council to establish its broader budget policies, funding goals and initiatives for projects and programs in 2021. Complicating that is the uncertainty clouding revenue forecasts as the ongoing pandemic emergency continues.

2021 TOWN COUNCIL BUDGET GOALS and INITIATIVES

In May the Town Council Budget and Finance Committee met and discussed the 2021 Budget and its goals and concerns for that. The committee suggests the following for Town Council consideration in kicking off the 2021 budget process:

REVENUE FORECAST AND RESERVE RETENTION

- Using the model developed for forecasting Town revenues with different pandemic impact assumptions being applied, develop a range of outcomes for revenues affected by the pandemic.
- Continue to monitor and update the forecast modeling as events are announced and limitations are made apparent.
- Maintain Town reserves at or above 35% of General Fund expenditures and support transfers. The General Fund Reserve at December 31, 2019 was \$13,703,611. This is a reserve of 94% of 2020 budgeted General Fund expenditures and support transfers.

The Budget and Finance Committee suggested the following additional assumptions be considered in the development of the 2021 budget:

- Economy will be in a moderate recession in 2021.
- Unemployment rate will be in the double digits at the beginning of the year 2021.
- Some of the temporary leave of absences/furloughs initiated in March and April will become permanent in Q3 & Q4 2020.
- Assume that the nation gets a second wave of COVID-19 infections in the summer and fall which will impact people getting on planes and wanting to stay in hotels.
- Assume that large gatherings of people (concerts/events/festivals) won't happen until as late as September 2021.

The Budget and Finance Committee further stressed that these assumptions will likely translate to a \$2.0 – 2.5 shortfall in Sales tax revenue in 2021. Therefore, they recommend the Town Council look for

aggressive expense rationalization for 2021. Headcount additions will be extremely limited and headcount reductions will be required.

GRANT AND ECONOMIC STIMULUS SPENDING

- Consider endorsing the Grant Committee recommendation to reduce grant funding by 36% to \$106,500 which includes a contingency of \$25,000. The committee felt that was necessary to provide flexibility due to the uncertainty of the needs.
- Consider endorsing a developing recommendation from the BDAC for providing stimulus funding to support the economic recovery in Mountain Village.

COMPENSATION AND BENEFITS

- Consider extending the hiring freeze for vacated positions.
- Consider recommendations that may come from the Employee Development Committee for implementation in the 2021 Budget.

CAPITAL SPENDING

- Consider giving conditional direction to restore those capital projects deferred in 2020 should Town Council consider those projects still desirable for funding including the Town Shop remodel and improvements as we pay rent to the Telluride Fire Protection District upon the sale of the third floor of the Municipal Building effective September 2020. The Town Council may wish to consider the substantial reserve balance mentioned above when determining the funding for the deferred projects.
- Using the most current information provided by the Town of Telluride continue to plan for the financial impact of the wastewater treatment plant upgrade and expansion. This includes a recommended increase of 10% to the Town water and sewer utility customer rates.
- Continue to address the need for affordable work force housing in Mountain Village.

OPERATING BUDGETS

- Discretionary spending should continue to be maintained at reduced or even eliminated levels as required by Town Council for responding to the pandemic emergency in March of this year.

OTHER BUDGET CONSIDERATIONS RECOMMENDED TO BE ADDRESSED WHERE FEASIBLE

- Continue to address cyber security for all town functions.
- Continue and complete the fiber to the home project.
- Pay down debt when it is feasible to do so.
- Invest in projects and programs to keep the town's economy stable and diverse.
- Funding for projects and programs that protect the natural environment in the Town.
- Maintain Town infrastructure to a high standard of repair and condition.
- Continue funding trails and recreation in Mountain Village.

MEMORANDUM

To: Mayor and Town Councilors

Agenda Item # 5

From: James Mahoney

Date: June 2, 2020

Re: Ordinance Enabling Collection of Sales Tax on Remote Sales

Background: For years the established legal doctrine for collecting sales tax was that a seller had to have a substantial nexus to the state in order for the state to collect sales tax from a retailer. That substantial nexus was largely based on the retailer having a physical presence in the state. In 2018 the U.S. Supreme Court took up the South Dakota v. Wayfair, 138 S.Ct. 2080 (2018) case (“Wayfair”). In Wayfair the Court overturned prior precedent and held that a State is not prohibited by the Commerce Clause of the US constitution from requiring a retailer to collect and remit sales tax based on the fact that such retailer does not have a physical presence in the state. This decision opened the ability for state and local jurisdictions to collect from remote sellers who do not have a physical presence in the state of Colorado.

However, are still some limitation to collecting sales tax for remote sellers tied to having a substantial nexus such as a minimum amount of sales to the state, and that there cannot be substantial barriers for a remote seller to actually comply with collecting and remitting sales taxes. This piece is where the state of Colorado and its unique sales tax collection regime in which each home rule jurisdiction may levy their own sales tax amount and self-collect such taxes faces a unique set of issues. It is feared that if each local jurisdiction has their own rules and regulations it would impose such a burden on remote sellers that it would be held to violate the commerce clause. In order to address this issue CML has worked with local jurisdictions to propose a model ordinance for each jurisdiction to adopt with the same language and definitions so they are consistent across the state.

What I have done along with Kevin Swain, is to take the CML language and definitions and incorporate them into our existing municipal code on sales tax collection and that is what you see as Exhibit A to the Ordinance.

In addition to the model ordinance the department of revenue has worked with MuniRevs to create a state portal system for remote sellers to submit all sales tax collections for jurisdictions across the state so it makes it easier for remote sellers to comply with and remit sales tax. I along with the finance department are comfortable with this system as the Town already uses MuniRevs for is local collection and will move forward with using that system for collection of sales tax for remote sellers.

I along with Kevin Swain believe this is a prudent step to take to enable the Town to collect sales tax revenue it is now legally able to collect and recommend that Town Council take action to pass the attached ordinance.

Proposed Motion:

I move to approve on first reading and set a public hearing at the July 16, 2020 Town Council meeting for the Ordinance Enabling Collection of Sales Tax on remote sellers.

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING CHAPTER 3.04 OF TITLE 3 OF THE MUNICIPAL CODE TO ENABLE THE COLLECTION OF SALES TAX FROM REMOTE SALES

RECITALS:

WHEREAS, the Town of Mountain Village, Colorado, (the “Town”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution, and the Town of Mountain Village Charter; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce sales taxes is clearly within the constitutional grant of power to the Town and is necessary to raise revenue with which to conduct the affairs and render the services performed by the Town; and

WHEREAS, pursuant to such authority, the Town has adopted and enacted a Sales Tax Code (the “Sales Tax Code”) codified as Chapter 3.04 of the Town of Mountain Village Municipal Code, under which Town sales tax is levied on all sales and purchases of tangible personal property or taxable services at retail unless prohibited, as applicable to the provision of this Ordinance, under the Constitution or laws of the United States; and

WHEREAS, the United States Supreme Court in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018), overturned prior precedent and held that a State is not prohibited by the Commerce Clause from requiring a retailer to collect sales tax based solely on the fact that such retailer does not have a physical presence in the State (“Remote Sales”); and

WHEREAS, based upon such decision, the retailer’s obligation to collect Remote Sales is no longer based on the retailer’s physical presence in the jurisdiction by the Constitution or law of the United States, and the Town’s Sales Tax Code needs to be amended to clearly reflect such obligation consistent with said decision; and

WHEREAS, the delivery of tangible personal property, products, or services into the Town relies on and burdens local transportation systems, emergency and police services, waste disposal, utilities and other infrastructure and services; and

WHEREAS, the failure to tax remote sales creates incentives for businesses to avoid a physical presence in the State and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the State and its municipalities; and

WHEREAS, it is appropriate for Colorado municipalities to adopt uniform definitions within their sales tax codes to encompass marketplace facilitators, marketplace sellers, and multichannel sellers that do not have a physical presence in the Town, but that still have a taxable connection with the Town;

WHEREAS, the goal of adopting this ordinance is to join in on the simplification efforts of all the self-collecting home rule municipalities in Colorado; and

WHEREAS, this Ordinance provides a safe harbor to those who transact limited sales within the Town; and

WHEREAS, absent such amendment, the continued failure of retailers to voluntarily apply and remit sales tax owed on remote sales exposes the municipality to unremitted taxes and permits an inequitable exception that prevents market participants from competing on an even playing field; and

WHEREAS, the Town adopts this ordinance with the intent to address tax administration, and, in connection with, establish economic nexus for retailers or vendors without physical presence in the State and require the retailer or vendor to collect and remit sales tax for all sales made within the marketplace.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, AS FOLLOWS:

Section 1. Amendment of Title 3, Chapter 3.04 of the Municipal Code

The Town Council hereby approves the amendments to Chapter 3.04 of Title 3 of the Town of Mountain Village Municipal Code as set forth in Exhibit A.

Section 2. Ordinance Effect

This Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 4. Effective Date

This Ordinance shall become effective thirty (30) days after passage of this Ordinance on Second Reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the ____ day of July, 2020, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado, on the 18th day of June, 2020.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____ day of June, 2020.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as To Form:

Jim Mahoney, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on June 18, 2020, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton				
Patrick Berry				
Natalie Binder				
Peter Duprey				
Jack Gilbride				
Marti Prohaska				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2020 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on July ____, 2020. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton				
Patrick Berry				
Natalie Binder				
Peter Duprey				
Jack Gilbride				
Marti Prohaska				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this _____ day of _____, 2020.

Susan Johnston, Town Clerk

(SEAL)

TITLE 3
REVENUE AND FINANCE

<u>CHAPTER</u>		<u>SUBJECT</u>
3.01		Fiscal Year
3.04		Sales Tax
3.08		Real Property
3.12		Accommodations
3.14		Restaurant and Bar Sales Tax
3.16		Use Tax
3.17		Road Impact Fee
3.20		Revenue and Spending
3.24	Pay	Payment of Fees Relating to Issuance of Approvals

CHAPTER 3.04
SALES TAX

Sections:

- 3.04.010 Purpose
- 3.04.020 Definitions
- 3.04.030 Property and Services Taxes
- 3.04.040 Exclusions
- 3.04.050 Tax on Tangible Personal Property
- 3.04.060 Place of Sale
- 3.04.070 Collection, Administration and Enforcement
- 3.04.080 Amendments
- 3.04.090 Severability
- 3.04.100 Authorization to Act
- 3.04.110 Sales Tax Registration
- 3.04.120 Audit of Record
- 3.04.130 Tax Information Confidential
- 3.04.140 Overpayment
- 3.04.150 Underpayment on Returns
- 3.04.160 Tax Deficiencies and Penalties
- 3.04.170 Notice of Assessment and Protest
- 3.04.180 Hearings and Appeals
- 3.04.190 Lien for Tax Due
- 3.04.200 Civil Action
- 3.04.210 Jeopardy Assessment
- 3.04.220 Distraint and Sale
- 3.04.230 Violations, Enforcement and Penalty
- 3.04.240 Statute of Limitations
- 3.04.250 Enforceability

3.04.010 Purpose

Pursuant to Ordinance 98-07, Section 1: The purpose of this Chapter is to impose a Sales Tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town, pursuant to its powers as a home- rule Town under the Colorado Constitution, in the same manner as they are taxable pursuant to Article 2 of Title 29, C.R.S. as amended, except as hereafter provided. (Ord. 98-07 § 1).

The purpose of this Chapter is to establish certain rules, regulations and procedures and to delegate the authority for the establishment of additional rules, regulations and procedures for the collection of the sales tax imposed by Chapter 3.04 of the Town's Municipal Code (the "Sales Tax"). This Chapter specifically repeals and replaces Section 3.04.070 of the Town's Municipal Code authorizing collection of the Sales Tax by the Colorado Department of Revenue. (Ord. No. 2011-08 §1(A)).

3.04.020 Definitions

For the purpose of this Chapter, the following words and phrases as used in this chapter shall have the following meaning:

- A. **"Auction"** means any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.
- B. **"Automotive Vehicle"** means any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, or any device used or designed for aviation or flight in the air. Automotive Vehicle includes, but is not limited to, motor vehicles, trailers, semi-trailers, or mobile homes. Automotive Vehicle shall not include devices moved by human power or used exclusively upon stationary rails or tracks.
- C. **"Business"** means all activities engaged in or caused to be engaged in with the object of gain, benefit, or advantage, direct or indirect.
- D. **"Candy"** means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Candy does not include any preparation containing flour, products that require refrigeration or marijuana infused products.
- E. **"Carrier Access Services"** means the services furnished by a local exchange company to its customers who provide telecommunications services which allow them to provide such telecommunications services.

- F. **“Charitable Organization”** means any entity which: (1) has been certified as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, and (2) is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons or animals, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons or animals, and thereby lessens the burden of government.
- G. **“Town”** or **“Town”** means the Town of Mountain Village, Colorado.
- H. **“Coins”** means monetized bullion or other forms of money manufactured from gold, silver, platinum, palladium or other such metals now, in the future or heretofore designated as a medium of exchange under the laws of this State, the United States or any foreign nation.
- I. **“Coin Operated Device”** means any device operated by coins or currency or any substitute therefor.
- J. **“Collection Costs”** shall include, but is not limited to, all costs of audit, assessment, bank fees, hearings, execution, lien filing, distraint, litigation, locksmith fees, auction fees and costs, prosecution and attorney fees.
- K. **“Commercial Packaging Materials”** means containers, labels, and/or cases, that become part of the finished product to the purchaser, used by or sold to a person engaged in manufacturing, compounding, wholesaling, jobbing, retailing, packaging, distributing or bottling for sale, profit or use, and is not returnable to said person for reuse. Commercial Packaging Materials does not include Commercial Shipping Materials.
- L. **“Commercial Shipping Materials”** means materials that do not become part of the finished product to the purchaser which are used exclusively in the shipping process. Commercial Shipping Materials include but are not limited to containers, labels, pallets, banding material and fasteners, shipping cases, shrink wrap, bubble wrap or other forms of binding, padding or protection.
- M. **“Community Organization”** means a nonprofit entity organized and operated exclusively for the promotion of social welfare, primarily engaged in promoting the common good and general welfare of the community, so long as: (1) No part of the net earnings of which inures to the benefit of any private shareholder or individual; (2) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and (3) Which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

- N. **“Construction Equipment”** means any equipment, including mobile machinery and mobile equipment, which is used to erect, install, alter, demolish, repair, remodel, or otherwise make improvements to any real property, building, structure or infrastructure.
- O. **“Construction Materials”** means tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a structure or project including public and private improvements. Construction Materials include, but are not limited to, such things as: asphalt, bricks, builders' hardware, caulking material, cement, concrete, conduit, electric wiring and connections, fireplace inserts, electrical heating and cooling equipment, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs and other landscaping materials, wall board, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters, and wood preserver. The above materials, when used for forms, or other items which do not remain as an integral and inseparable part of completed structure or project are not construction materials.
- P. **“Consumer”** means any person in the Town who purchases, uses, stores, distributes or otherwise consumes tangible personal property or taxable services, purchased from sources inside or outside the Town.
- Q. **“Contract Auditor”** means a duly authorized agent designated by the taxing authority and qualified to conduct tax audits on behalf of and pursuant to an agreement with the municipality.
- R. **“Contractor”** means any person who shall build, construct, reconstruct, alter, expand, modify, or improve any building, dwelling, structure, infrastructure, or other improvement to real property for another party pursuant to an agreement. For purposes of this definition, Contractor also includes subcontractor.
- S. **“Cover Charge”** means a charge paid to a club or similar entertainment establishment which may, or may not, entitle the patron paying such charge to receive tangible personal property, such as food and/or beverages.
- T. **“Data Processing Equipment”** means any equipment or system of equipment used in the storage, manipulation, management, display, reception or transmission of information.

- U. **“Digital Product”** means an electronic product including, but not limited to: (1) “digital images” which means works that include, but are not limited to, the following that are generally recognized in the ordinary and usual sense as “photographs,” “logos,” “cartoons,” or “drawings.” (2) “digital audio-visual works” which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any, (3) “digital audio works” which means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones. For purposes of the definition of “digital audio works”, “ringtones” means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication, and (4) “digital books” which means works that are generally recognized in the ordinary and usual sense as “books”.
- V. **“Distribution”** means the act of distributing any article of tangible personal property for use or consumption, which may include, but not be limited to, the distribution of advertising gifts, shopper’s guides, catalogs, directories, or other property given as prizes, premiums, or for goodwill or in conjunction with the sales of other commodities or services.
- W. **“Dual Residency”** means those situations including, but not limited to, where a person maintains a residence, place of business or business presence, both within and outside the Town. A person shall be deemed to have established a legitimate residence, place of business or business presence outside of the Town for purposes of dual residency if the person has a physical structure owned, leased or rented by such person which is designated by street number or road location outside of the Town, has within it a telephone or telephones in the name of such person and conducts business operations on a regular basis at such location in a manner that includes the type of business activities for which the business (person), as defined in this Code, is organized.
- X. **“Dwelling Unit”** means a building or any portion of a building designed for occupancy as complete, independent living quarters for one (1) or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.
- Y. **“Economic Nexus”** means the connection between the Town and a person not having a physical nexus in the State of Colorado, which connection is established when the person or marketplace facilitator makes retail sales into the Town, and (1) in the previous calendar year, the person, which includes a marketplace facilitator, has made retail sales into the state exceeding the amount specified in C.R.S. Section 39-26-102(3)(c) as amended or (2) in the current calendar year, 90 days has passed following the month in which the person, which includes a marketplace facilitator, has made retail sales into the state exceeding the amount specified in C.R.S. Section 39-26-102(3)(c), as amended. This definition does not

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apply to any person who is doing business in this state but otherwise applies to any other person.

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Y.Z. **“Engaged in Business in the Town”** means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption, within the Town. Engaged in Business in the Town includes, but is not limited to, any one of the following activities by a person: (1) Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction; (2) Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons; (3) Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction; (4) Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; or ~~(5) Makes more than one delivery into the taxing jurisdiction within a twelve month period by any means other than a common carrier.~~ (5) retailer or vendor in the state of Colorado that makes more than one delivery into the taxing jurisdiction within a twelve month period; or (6) Makes retail sales sufficient to meet the definitional requirements of economic nexus as set forth in _____ (insert section of code).

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Z.AA. **“Factory Built Housing”** means a manufactured home or modular home.

AA.BB. **“Finance Director”** means the Finance Director of the Town of Mountain Village or such other person designated by the municipality; Finance Director shall also include such person's designee.

BB.CC. **“Food For Home Consumption”** means food for domestic home consumption as defined in 7 U.S.C. sec. 2012 (k) (2014), as amended, for purposes of the supplemental nutrition assistance program, or any successor program, as defined in 7 U.S.C. sec. 2012 (t), as amended; except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow foods; prepared salads and salad bars; packaged and unpackaged cold sandwiches; deli trays; and hot or cold beverages served in unsealed containers or cups that are vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.

CC.DD. **“Garage Sales”** means sales of tangible personal property, except automotive vehicles, occurring at the residence of the seller, where the property to be sold was originally purchased for use by members of the household where such sale is being conducted. The term includes, but is not limited to, yard sales, estate sales, and block sales.

DD-EE. **“Gross Sales”** means the total amount received in money, credit, property or other consideration valued in money for all sales, leases, or rentals of tangible personal property or services.

EE-FF. **“Internet Access Services”** means services that provide or enable computer access by multiple users to the Internet, but shall not include that portion of packaged or bundled services providing phone or television cable services when the package or bundle includes the sale of Internet Access Services.

FF-GG. **“Internet Subscription Service”** means software programs, systems, data and applications available online through rental, lease or subscription, that provide information and services including, but not limited to, data linking, data research, data analysis, data filtering or record compiling.

GG-HH. **“License”** means a Town of Mountain Village business license.

HH-II. **“Linen Services”** means services involving the provision and cleaning of linens, including but not limited to rags, uniforms, coveralls and diapers.

H-JJ. **“Machinery”** means any apparatus consisting of interrelated parts used to produce an article of tangible personal property. The term includes both the basic unit and any adjunct or attachment necessary for the basic unit to accomplish its intended function.

JJ-KK. **“Manufactured Home”** means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

LL. **“Manufacturing”** means the operation or performance of an integrated series of operations which places a product, article, substance, commodity, or other tangible personal property in a form, composition or character different from that in which it was acquired whether for sale or for use by a manufacturer. The change in form, composition or character must result in a different product having a distinctive name, character or use from the raw or prepared materials.

MM. **“Marketplace”** means a physical or electronic forum, including but not limited to, a store, a booth, an internet website, a catalog, or a dedicated sales software application, where tangible personal property, taxable products, or taxable services are offered for sale.

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NN. **“Marketplace Facilitator”** means a person who (1) Contracts with a marketplace seller or multichannel seller to facilitate for consideration, regardless of whether or not the consideration is deducted as fees from the transaction, the sale of the marketplace seller’s tangible personal property, products, or services through the person’s marketplace; (2) Engages directly or indirectly, through one or more affiliated persons, in transmitting or otherwise communicating the offer or acceptance between a purchaser and the marketplace seller or multichannel seller; and (3) Either directly or indirectly, through agreements or arrangements with third parties, collects payment from the purchaser on behalf of the seller.

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KK. A Marketplace Facilitator does not include a person that exclusively provides internet advertising services or list products for sale and that does not otherwise meet this definition.

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OO. **“Marketplace Seller”** means a person, regardless of whether or not the person is engaged in business in the city, which has an agreement with a marketplace facilitator and offers for sale tangible personal property, products, or services through a marketplace owned, operated, or controlled by a marketplace facilitator.

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PP. **“Medical Marijuana”** means marijuana acquired, possessed, cultivated, manufactured, delivered, transported, supplied, sold, or dispensed to a person who qualifies as a patient with a debilitating medical condition(s) under Article XVIII, Section 14, of the Colorado Constitution, and which person holds a valid “registry identification card” issued by the State of Colorado pursuant to Colorado Constitution, Article XVIII, Section 14.

QQ. **“Mobile Machinery and Self-Propelled Construction Equipment”** means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

RR. **“Modular Home”** means any structure that consists of multiple sections fabricated, formed or assembled in manufacturing facilities for installation and assembly at the building site, and is constructed to the building codes adopted by the State Division of

Housing, created in Section 24-32-706, C.R.S., and is designed to be installed on a permanent foundation.

SS. **“Motor Fuel”** means gasoline, casing head or natural gasoline, benzol, benzene and naphtha, gasohol and any other liquid prepared, advertised, offered for sale, sold for use or used or commercially usable in internal combustion engines for the generation of power for the propulsion of motor vehicles upon the public highways. The term does not include fuel used for the propulsion or drawing of aircraft or railroad cars or railroad locomotives.

QQ.TT. **“Multichannel Seller”** means a retailer that offers for sale tangible personal property, commodities, or services through a marketplace owned, operated, or controlled by a marketplace facilitator, and through other means.

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PP.UU. **“Newspaper”** means a publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term Newspaper does not include: magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.

QQ.VV. **“Online Garage Sales”** means sales of tangible personal property, except automotive vehicles, occurring online, where the property to be sold was originally purchased for use by the seller or members of the seller’s household.

RR.WW. **“Parent”** means a parent of a student.

SS.XX. **“Person”** means any individual, firm, partnership, joint venture, corporation, limited liability company, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit.

TT.YY. **“Photovoltaic System”** means a power system designed to supply usable solar power by means of photovoltaics, a method of converting solar energy into direct current electricity using semiconducting materials that create voltage or electric current in a material upon exposure to light. It consists of an arrangement of several components, including solar panels to absorb and convert sunlight into electricity, a solar inverter to change the electric current from DC to AC, as well as mounting, cabling, metering systems and other electrical accessories to set up a working system.

~~UU~~ZZ. **“Precious Metal Bullion”** means any precious metal, including but not limited to, gold, silver, platinum, palladium, that has been put through a process of refining and is in such a state or condition that its value depends upon its precious metal content and not its form.

~~VV~~AAA. **“Prepress Preparation Material”** means all materials used by those in the printing industry including, but not limited to, airbrush color photos, color keys, dies, engravings, light-sensitive film, light-sensitive paper, masking materials, Mylar, plates, proofing materials, tape, transparencies, and veloxes, which are used by printers in the preparation of customer specific layouts or in plates used to fill customers' printing orders, which are eventually sold to a customer, either in their original purchase form or in an altered form, and for which a sales or use tax is demonstrably collected from the printer's customer, if applicable, either separately from the printed materials or as part of the inclusive price therefor. Materials sold to a printer which are used by the printer for the printer's own purposes, and are not sold, either directly or in an altered form, to a customer, are not included within this definition.

~~WW~~BBB. **“Preprinted Newspaper Supplements”** shall mean inserts, attachments or supplements circulated in newspapers that: (1) are primarily devoted to advertising; and (2) the distribution, insertion, or attachment of which is commonly paid for by the advertiser.

~~XX~~CCC. **“Prescription Drugs for Animals”** means a drug which, prior to being dispensed or delivered, is required by the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sect. 301, et. seq., as amended, to state at a minimum the symbol “Rx Only”, and is dispensed in accordance with any order in writing, dated and signed by a licensed veterinarian specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label.

~~YY~~DDD. **“Prescription Drugs for Humans”** means a drug which, prior to being dispensed or delivered, is required by the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sect. 301, et. seq., as amended, to state at a minimum the symbol “Rx Only”, and is dispensed in accordance with any written or electronic order dated and signed by a licensed practitioner of the healing arts, or given orally by a practitioner and immediately reduced to writing by the pharmacist, assistant pharmacist, or pharmacy intern, specifying the name and any required information of the patient for whom the medicine, drug or poison is offered and directions, if any, to be placed on the label.

~~ZZ~~EEE. **“Price”** or **“Purchase Price”** means the aggregate value measured in currency paid or delivered or promised to be paid or delivered in consummation of a sale, without any discount from the price on account of the cost of materials used, labor or service cost,

and exclusive of any direct tax imposed by the federal government or by this article, and, in the case of all retail sales involving the exchange of property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if: (1) Such exchanged property is to be sold thereafter in the usual course of the retailer's business, or (2) Such exchanged property is a vehicle and is exchanged for another vehicle and both vehicles are subject to licensing, registration, or certification under the laws of this state, including, but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft, and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to tax.

Price or Purchase Price includes:

- (1) The amount of money received or due in cash and credits.
- (2) Property at fair market value taken in exchange but not for resale in the usual course of the retailer's business.
- (3) Any consideration valued in money, whereby the manufacturer or someone else reimburses the retailer for part of the purchase price and other media of exchange.
- (4) The total price charged on credit sales including finance charges which are not separately stated at the time of sale. An amount charged as interest on the unpaid balance of the purchase price is not part of the purchase price unless the amount added to the purchase price is included in the principal amount of a promissory note; except the interest or carrying charge set out separately from the unpaid balance of the purchase price on the face of the note is not part of the purchase price. An amount charged for insurance on the property sold and separately stated at the time of sale is not part of the purchase price.
- (5) Installation, applying, remodeling or repairing the property, delivery and wheeling-in charges included in the purchase price and not separately stated.
- (6) Transportation and other charges to effect delivery of tangible personal property to the purchaser.
- (7) Indirect federal manufacturers' excise taxes, such as taxes on automobiles, tires and floor stock.
- (8) The gross purchase price of articles sold after manufacturing or after having been made to order, including the gross value of all the materials used, labor and service performed and the profit thereon.

Price or Purchase Price shall not include:

- (1) Any sales or use tax imposed by the State of Colorado or by any political subdivision thereof.
- (2) The fair market value of property exchanged if such property is to be sold thereafter in the retailers' usual course of business. This is not limited to exchanges in Colorado. Out of state trade-ins are an allowable adjustment to the purchase price.
- (3) Discounts from the original price if such discount and the corresponding decrease in sales tax due is actually passed on to the purchaser, and the seller is not reimbursed for the discount by the manufacturer or someone else. An anticipated discount to be

allowed for payment on or before a given date is not an allowable adjustment to the price in reporting gross sales.

~~AAA.FFF.~~ **“Private Communications Services”** means telecommunications services furnished to a subscriber, which entitles the subscriber to exclusive or priority use of any communication channel or groups of channels, or to the exclusive or priority use of any interstate inter-communications system for the subscriber's stations.

~~BBB.GGG.~~ **“Prosthetic Devices for Animals”** means any artificial limb, part, device or appliance for animal use which replaces a body part or aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular patient; and is prescribed by a licensed veterinarian. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, and oxygen concentrators with related accessories.

~~CCC.HHH.~~ **“Prosthetic Devices for Humans”** means any artificial limb, part, device or appliance for human use which replaces a body part or aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular patient; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, and oxygen concentrators with related accessories.

~~DDD.III.~~ **“Purchase” or “Sale”** means the acquisition for any consideration by any person of tangible personal property, other taxable products or taxable services that are purchased, leased, rented, or sold. These terms include capital leases, installment and credit sales, and property and services acquired by:

- (1) Transfer, either conditionally or absolutely, of title or possession or both to tangible personal property, other taxable products, or taxable services;
- (2) A lease, lease-purchase agreement, rental or grant of a license, including royalty agreements, to use tangible personal property, other taxable products, or taxable services. The utilization of coin operated devices, except coin-operated telephones, which do not vend articles of tangible personal property shall be considered short term rentals of tangible personal property.;
- (3) Performance of taxable services; or
- (4) Barter or exchange for other tangible personal property, other taxable products, or services.

The terms Purchase and Sale do not include:

- (1) A division of partnership assets among the partners according to their interests in the partnership;

- (2) The transfer of assets of shareholders in the formation or dissolution of professional corporations, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- (3) The dissolution and the pro rata distribution of the corporation's assets to its stockholders, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- (4) A transfer of a partnership or limited liability company interest;
- (5) The transfer of assets to a commencing or existing partnership or limited liability company, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- (6) The repossession of personal property by a chattel mortgage holder or foreclosure by a lienholder;
- (7) The transfer of assets from a parent company to a subsidiary company or companies which are owned at least eighty percent by the parent company, which transfer is solely in exchange for stock or securities of the subsidiary company;
- (8) The transfer of assets from a subsidiary company or companies which are owned at least eighty percent by the parent company to a parent company or to another subsidiary which is owned at least eighty percent by the parent company, which transfer is solely in exchange for stock or securities of the parent corporation or the subsidiary which received the assets;
- (9) The transfer of assets between parent and closely held subsidiary companies, or between subsidiary companies closely held by the same parent company, or between companies which are owned by the same shareholders in identical percentage of stock ownership amounts, computed on a share-by-share basis, when a tax imposed by this article was paid by the transferor company at the time it acquired such assets, except to the extent that there is an increase in the fair market value of such assets resulting from the manufacturing, fabricating, or physical changing of the assets by the transferor company. To such an extent any transfer referred to in this paragraph (11) shall constitute a sale. For the purposes of this paragraph (11), a closely held subsidiary corporation is one in which the parent company owns stock possessing or membership interest at least eighty percent of the total combined voting power of all classes of stock entitled to vote and owns at least eighty percent of the total number of shares of all other classes of stock.

EEE,JJJ. “**Recreation Services**” means all services relating to athletic or entertainment participation events and/or activities including but not limited to pool, golf, billiards, skating, tennis, bowling, health/athletic club memberships, coin operated amusement devices, video games and video club memberships.

FFF,KKK. “**Renewable Energy**” means any energy resource that is naturally regenerated over a short time scale and derived directly from the sun (such as thermal, photochemical, and photoelectric), indirectly from the sun (such as wind, hydropower, and photosynthetic energy stored in biomass), or from other natural movements and mechanisms of the environment (such as geothermal and tidal energy). Renewable Energy does not include

energy resources derived from fossil fuels, waste products from fossil sources, or waste products from inorganic sources.

~~GGG.LLL.~~ **“Resident”** means a person who resides or maintains one or more places of business within the Town, regardless of whether that person also resides or maintains a place of business outside of the Town.

~~HHH.MMM.~~ **“Retail Sales”** means all sales except wholesale sales.

~~HH.NNN.~~ **“Retailer or Vendor”** means any person selling, leasing, renting, or granting a license to use tangible personal property or services at retail. Retailer shall include, but is not limited to, any: (1) Auctioneer; (2) Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer; (3) Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes; (4) Retailer-Contractor, when acting in the capacity of a seller of building supplies, construction materials, and other tangible personal property; ~~(5) Marketplace Facilitator, Marketplace Seller, or Multichannel Seller.~~

~~JJ.OOO.~~ **“Retailer-Contractor”** means a contractor who is also a retailer of building supplies, construction materials, or other tangible personal property, and purchases, manufactures, or fabricates such property for sale (which may include installation), repair work, time and materials jobs, and/or lump sum contracts.

~~KKK.PPP.~~ **“Return”** means any form prescribed by the Town/town administration for computing and reporting a total tax liability.

~~LLL.OOO.~~ **“Sale that Benefits a Colorado School”** means a sale of a commodity or service from which all proceeds of the sale, less only the actual cost of the commodity or service to a person or entity as described in this Code, are donated to a school or a school-approved student organization.

~~MMM.RRR.~~ **“Sales Tax”** means the tax that is collected or required to be collected and remitted by a retailer on sales taxed under the Town of Mountain Village Municipal Code.

~~NNN.SSS.~~ **“School”** means a public or nonpublic school for students in kindergarten through 12th grade or any portion thereof.

~~000~~.TTT. **“Security System Services”** means electronic alarm and/or monitoring services. Such term does not include non-electronic security services such as consulting or human or guard dog patrol services.

~~PPP~~.UUU. **“Soft Drink”** means a nonalcoholic beverage that contains natural or artificial sweeteners. “Soft drink” does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

~~000~~.VVV. **“Software Program”** means a sequence of instructions that can be measured, interpreted and executed by an electronic device (e.g. a computer, tablets, smart phones) regardless of the means by which it is accessed or the medium of conveyance. Software program includes: (1) Custom software program, which is a software program prepared to the special order or specifications of a single customer; (2) Pre-written software program, which is a software program prepared for sale or license to multiple users, and not to the special order or specifications of a single customer. Pre-written software is commonly referred to as “canned,” “off-the-shelf (“COTS”),” “mass produced” or “standardized;” (3) Modified software, which means pre-written software that is altered or enhanced by someone other than the purchaser to create a program for a particular user; and (4) The generic term “software,” “software application,” as well as “updates,” “upgrades,” “patches,” “user exits,” and any items which add or extend functionality to existing software programs.

~~RRR~~.WWW. **“Software as a Service”** means software that is rented, leased or subscribed to from a provider and used at the consumer’s location, including but not limited to applications, systems or programs.

~~SSS~~.XXX. **“Software License Fee”** means a fee charged for the right to use, access, or maintain software programs.

~~FFF~~.YYY. **“Software Maintenance Agreement”** means an agreement, typically with a software provider, that may include (1) provisions to maintain the right to use the software; (2) provisions for software upgrades including code updates, version updates, code fix modifications, enhancements, and added or new functional capabilities loaded into existing software, or (3) technical support

~~UUU~~.ZZZ. **“Solar Thermal Systems”** means a system whose primary purpose is to use energy from the sun to produce heat or cold for: (1) Heating or cooling a residential or commercial building; (2) Heating or cooling water; or (3) Any industrial, commercial, or manufacturing process.

~~VVV-AAAA.~~ **“Sound System Services”** means the provision of broadcast or pre-recorded audio programming to a building or portion thereof. Such term does not include installation of sound systems where the entire system becomes the property of the building owner or the sound system service is for presentation of live performances.

~~WWW-BBBB.~~ **“Special Fuel”** means kerosene oil, kerosene distillate, diesel fuel, all liquefied petroleum gases, and all combustible gases and liquids for use in the generation of power for propulsion of motor vehicles upon the public highways. The term does not include fuel used for the propulsion or drawing of aircraft, railroad cars or railroad locomotives.

~~XXX-CCCC.~~ **“Storage”** means any keeping or retention of, or exercise dominion or control over, or possession of, for any length of time, tangible personal property not while in transit but on a stand still basis for future use when leased, rented or purchased at retail from sources either within or without the Town from any person or vendor.

~~YYY-DDDD.~~ **“Student”** means any person enrolled in a school.

~~ZZZ-EEEE.~~ **“Tangible Personal Property”** means personal property that can be one or more of the following: seen, weighed, measured, felt, touched, stored, transported, exchanged, or that is in any other manner perceptible to the senses.

~~AAAA-FFFF.~~ **“Tax”** means the use tax due from a consumer or the sales tax due from a retailer or the sum of both due from a retailer who also consumes.

~~BBBB-GGGG.~~ **“Tax Deficiency” or “Deficiency”** means any amount of tax, penalty, interest, or other fee that is not reported and/or not paid on or before the date that any return or payment of the tax is required under the terms of this Code.

~~CCCC-HHHH.~~ **“Taxable Sales”** means gross sales less any exemptions and deductions specified in this Town of Mountain Village Municipal Code.

~~DDDD-IIII.~~ **“Taxable Services”** means services subject to tax pursuant to this Town of Mountain Village Municipal Code.

~~EEEE-JJJJ.~~ **“Taxpayer”** means any person obligated to collect and/or pay tax under the terms of this Town of Mountain Village Municipal Code.

~~FFFF-KKKK.~~ **“Telecommunications Service”** means the service of which the object is the transmission of any two-way interactive electronic or electromagnetic

communications including but not limited to voice, image, data and any other information, by the use of any means but not limited to wire, cable, fiber optical cable, microwave, radio wave, Voice over Internet Protocol (VoIP), or any combinations of such media, including any form of mobile two-way communication.

~~GGGG~~LLLL. **“Television & Entertainment Services”** means audio or visual content, that can be transmitted electronically by any means, for which a charge is imposed.

~~HHHH~~MMMM. **“Therapeutic Device”** means devices, appliances, or related accessories that correct or treat a human physical disability or surgically created abnormality.

~~HH~~NNNN. **“Toll Free Telecommunications Service”** means a Telecommunications Service that allows a caller to dial a number without incurring an additional charge for the call.

~~JJJJ~~OOOO. **“Total Tax Liability”** means the total of all tax, penalties and/or interest owed by a taxpayer and shall include sales tax collected in excess of such tax computed on total sales.

~~KKKK~~PPPP. **“Transient / Temporary Sale”** means a sale by any person who engages in a temporary business of selling and delivering goods within the Town for a period of no more than seven consecutive days.

~~LLLL~~QQQQ. **“Transient / Temporary Vendor”** means any person who engages in the business of Transient / Temporary Sales.

~~MMMM~~RRRR. **“Wholesale Sales”** means a sale by wholesalers to retailers, jobbers, dealers, or other wholesalers for resale and does not include a sale by Wholesalers to users or consumers not for resale; latter types of sales shall be deemed to be Retail Sales and shall be subject to the provisions of this chapter.

~~NNNN~~SSSS. **“Wholesaler”** means any person doing an organized wholesale or jobbing business and selling to Retailers, jobbers, dealers, or other Wholesalers, for the purpose of resale, and not for storage, use, consumption, or distribution.

3.04.030 Property and Services Taxes

There is hereby levied and there shall be collected and paid a Sales Tax in an amount herein provided on the sale at retail or personal property and the furnishing of certain services, as provided in “The Emergency Retail Sales Tax Act of 1935,” as set forth in Article 26 of Title 39,

C.R.S. (the “State Sales Tax Act”), which provisions are incorporated by this reference. The tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and subject to the same exemptions as those specified in Section 39-26-114, C.R.S., except the exemption allowed for purchase of machinery or machine tools by Section 39-26-114(11), C.R.S. (Ord. 98-07 § 11).

3.04.040 Exclusions

- A. Amount. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.
- B. Delivery Charges. The gross receipts from sales shall include delivery charges, when such charges are subject to the State of Colorado Sales and Use Tax imposed by Article 26 of Title 39, C.R.S., regardless of the place to which delivery is made.
- C. General Exemptions. There shall be exempt from taxation under the provisions of this Chapter, the same exemptions as those specified in Section 39-26-701, *et. seq.*, C.R.S., as amended from time to time, except the exemption allowed for purchase of machinery or machine tools by Section 39-26-709, C.R.S., as amended from time to time.
- D. Non Resident. All sales of tangible personal property on which a specific ownership tax has been paid or is payable shall be exempt from the subject Sales Tax when such sales meet both of the following conditions: 1. The purchaser is a nonresident of, or has its principal place of business outside of the Town; and 2. Such tangible personal property is registered or required to be registered outside the limits of the Town under laws of the State of Colorado. (Ord. 98-07 § 12-15).
- E. Exempt Refund Request. Refunds of tax paid to a retailer by a purchaser who claims that the sale is exempt from the tax may be requested by such purchaser by signing and submitting a claim for refund on or before sixty (60) days from the date of such purchase. (Ord. No. 2011-08 §17).

3.04.050 Tax on Tangible Personal Property

There is hereby imposed upon all sales of tangible personal property at retail and the furnishing of other certain services, as specified in Section 3.08.050 of this Code, a four and one half percent (4.5%) Sales Tax. The imposition of the Sales Tax on the sale at retail of tangible personal property and the furnishing of certain services subject to this tax shall be in accordance with schedules set forth in the rules and regulations of the Department of Revenue of the State of Colorado as amended from time to time. (Ord. 2003-06 § 4).

3.04.060 Place of Sale

A. Place of Sale. For the purpose of this Chapter, all retail sales, except Marketplace Sales as set forth below are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to the destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town. In the event that the retailer has no permanent place of business in the Town, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the Sales Tax imposed by this Chapter shall be determined by the provisions of the State Sales Tax Act and by the rules and regulations promulgated by the Department of Revenue of the State of Colorado. (Ord. 98-07 § 17).

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B. Marketplace Sales. Marketplace Sales are required to remit the Sales tax as follows:

1. A Marketplace facilitator engaged in business in the Town, is required to collect and remit Sales Tax on all taxable sales made by the Marketplace Facilitator, or facilitated by it for Marketplace Sellers or Multichannel Sellers to customers in the Town, whether or not the Marketplace Seller for whom sales are facilitated would have been required to collect Sales Tax had the sale not been facilitated by the Marketplace Facilitator.
2. A Marketplace Facilitator shall assume all the duties, responsibilities, and liabilities of a Retailer or Vendor. Marketplace Facilitators shall be liable for the taxes collected from Marketplace Sellers or Multichannel Sellers. The Town may recover any unpaid taxes, penalties, and interest from the Marketplace Facilitator that is responsible for collecting on behalf of Marketplace Sellers or Multichannel Sellers.
3. The liabilities, obligations, and rights set forth under this section are in addition to any duties and responsibilities of the Marketplace Facilitator has under this chapter if it also offers for sale tangible personal property, products, or services through other means.
4. A Marketplace Seller, with respect to sales of tangible personal property, products, or services made in or through a Marketplace Facilitator's marketplace, does not have the liabilities, obligations, or rights of a Retailer under this chapter if the Marketplace Seller can show that such sale was facilitated by a Marketplace Facilitator:
 - a. With whom the Marketplace Seller has a contract that explicitly provides that the Marketplace Facilitator will collect and remit sales tax on all sales subject to tax under this article; or
 - b. From whom the Marketplace Seller requested and received in good faith a certification that the Marketplace Facilitator is registered to collect sales tax and will collect sales tax on all sales subject to tax under this chapter made in or through the Marketplace Facilitator's marketplace.
5. A sale a Marketplace Seller makes that is not facilitated by a licensed Marketplace Facilitator in a marketplace, then the Marketplace Seller is subject to all of the same licensing, collection, remittance, filing and record keeping requirements as any other Retailer.

C. Auditing of Marketplace Facilitator. With respect to any sale the Town shall solely audit the Marketplace Facilitator for sales made by Marketplace Sellers or Multichannel Sellers but facilitated by the marketplace. The Town will not audit or otherwise assess tax

against Marketplace Sellers or Multichannel Sellers for sales facilitated by a marketplace facilitator.

D. No Retroactive Obligations. No obligation to collect sales tax as required by this the provisions of Section 3.04.060.B may be applied retroactively. Responsibilities, duties and liabilities described in Section 3.04.060.B of a Marketplace Facilitator, Marketplace Seller, or Multichannel Seller begin on the earlier of when they become licensed to collect the Town's Sales Tax or when the become legally obligated to collect the Town's Sales Tax under this Chapter 3.04.

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3.04.070 Collection, Administration and Enforcement

- A. Trust Status of Tax. All Sales Tax collected by any retailer shall be the property of the Town and remain public monies in the hands of such retailer, who shall hold the same in trust for the sole use and benefit of the Town until paid to the Town. (Ord. No. 2011-08 §3(A)).
- B. Retailer Responsible for Collection and Payment of Tax. Every retailer engaged in business in the Town shall be liable and responsible for payment of an amount equivalent to the taxable sales multiplied by the Sales Tax rate established by Section 3.04.08 of the Municipal Code. Retailers shall add the tax imposed, showing such tax as a separate and distinct item. Except as provided in this Section, no retailer shall advertise, hold out or state to the public or to any consumer, either directly or indirectly, that the sales tax or any part thereof shall be assumed or absorbed by the retailer, or that it will not be added to the price or, if added, that it or any part thereof shall be refunded.
1. Tax constitutes debt. Any tax added to the price by a retailer shall constitute a debt from the purchaser to the retailer until paid and shall be recoverable at law in the same manner as other debts.
 2. Excess tax. No retailer shall retain any Sales Tax collected in excess of the tax computed, but shall report such excess collections on the return for the period in which it was collected, and include it in the calculation of tax due.
 3. Disputed tax. When a dispute arises between a retailer and a purchaser who claims that the sale is exempt from the tax, the retailer shall collect, and the purchaser shall pay, such tax. The purchaser may submit a claim for refund to the Town within sixty (60) days of the date of purchase. Any such tax refunded by the Town will be paid directly to the purchaser.
 4. Vendor Fee. The Finance Director may establish a vendor fee, which shall be calculated as a percentage of the sales tax, to be established by the Finance Director which may be retained by the retailer for Sales Tax payments paid on time. (Ord. No. 2011-08 §4).
- C. Filing Returns, Due Date. Every taxpayer shall file a return on the forms and according to the procedures prescribed by the Finance Director pursuant to Section 3.04.100 herein, whether or not a tax is due, and remit any tax due to the Town on or before the twentieth day of the month following the reporting period. Failure to receive a return does not relieve a taxpayer of its legal responsibility for filing a return on or before the due date.

1. A retailer engaged in business in the Town at two (2) or more locations, whether inside or outside the Town, who collects Sales Tax, may file one (1) return for all such locations, when accompanied by a supplemental schedule showing the gross sales and net taxable sales for each location.
2. For good cause shown in a written request of a taxpayer, the Finance Director may extend the time for making returns and paying the tax due. Such good cause shall not include the retailer's inability to pay taxes due to the Town due to other debts incurred by the retailer or his or her business.
3. No person shall make any false statement in connection with a return.
4. The Town Council may require every taxpayer to complete all sections relevant to the type of business operated by the taxpayer, on an economic impact form, which shall include but not be limited to, average daily rate, occupancy rate, total number of rooms, occupied rooms, total lodging revenue, lodging revenue rounding variance, actual lodging revenue, retail sales revenue, other revenue and restaurant revenue. The Finance Director shall designate any reporting periods or period within a reporting period where the economic impact form is required to be filed by a vendor by designating such reporting period as requiring an economic impact form at least thirty (30) days prior to such reporting period. (Ord. No. 2011-08 §5).

D. Reporting Periods

1. Unless otherwise approved by the Town Council by Resolution, taxpayers must file returns and pay taxes as follows:
 - a. Upon approval of the Finance Director, a taxpayer whose yearly tax is Three Hundred Dollars (\$300.00) or less may file returns and pay tax annually or monthly.
 - b. A taxpayer whose yearly tax is more than Three Hundred (\$300.00) or more shall file returns and pay tax monthly.
 - c. For the purpose of the timing of the filing of returns, the amounts considered in Paragraphs (1) through (2) must be consistent for a period of three (3) consecutive months to be approved for any schedule other than reporting monthly.
2. The reporting period for a final return shall end on the date of the transfer of ownership or cessation of the business.
3. The reporting period for a vendor selling tangible personal property at a temporary location or site of a special event within the Town shall end on the day the temporary location closes or special event concludes.
4. If any taxpayer who has been granted permission to file returns and pay tax on other than a monthly basis becomes delinquent, authorization for such alternate method of reporting may be revoked by the Finance Director, and immediately following notice of such revocation, the taxpayer shall file returns and pay tax on a monthly basis as if the alternate method of reporting and paying the tax had never been granted. (Ord. No. 2011-08 §6).

- E. Duty to Keep Books and Records. Every person engaged in business in the Town for which the Sales Tax is required to be collected shall keep and preserve for at least three (3) years after the date of the taxable transaction suitable records, which allow the accurate

determination of the tax due. Every person shall provide all such records for audit by the Town during normal business hours. (Ord. No. 2011-08 §7).

3.04.080 Amendments

Town of Mountain Village hereby reduces the Sales Tax rate to 4.5%. Notwithstanding the foregoing, nothing herein shall be construed to limit or reduce voter authority for the levy of a full 6% Sales Tax, should the Town Council determine it to be necessary in the future. (Ord. 03-06 § 1).

3.04.090 Severability

If any portion of this Chapter is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Chapter. The Town Council hereby declares that it would have passed this Chapter and each part hereof irrespective of the fact that any one part be declared invalid. (Ord. No. 2011-08 §37) (Ord. No. 98-07 §22)).

3.04.100 Authorization to Act

- A. Administration. The administration of this Article is hereby vested in the Finance Director, except where otherwise noted. The Officers of the Town be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Chapter. (Ord. No. 2011-08 §11(A) (Ord. 98-07 § 23)).
- B. Forms and procedures. The Finance Director shall prescribe forms and administrative procedures for the ascertainment, assessment and collection of tax, which may include online forms for the ascertainment, assessment and collection of tax. (Ord. No. 2011-08 §11(B)).
- C. Fees. The Finance Director shall recommend fees, including but not limited to, a convenience fee for payment by credit card, automatic clearing house (ACH) fees and other similar fees, to the Town Council, which shall adopt such fees by resolution. (Ord. No. 2011-08 §11(C)).
- D. Regulations. The Finance Director may formulate and promulgate appropriate and additional regulations to effectuate the purpose of this Article. (Ord. No. 2011-08 §11(D)).
- E. Additional information. The Finance Director may require any person to make additional returns, render statements, furnish records or make informational reports to determine whether or not such person is liable for payment or collection of the tax. (Ord. No. 2011-08 §11(E)).
- F. Subpoenas. The Finance Director may issue a subpoena to command a person to attend and give testimony or to produce books, records or accounts.
 - 1. Any subpoena issued under the terms of this Article shall be served as set forth in the Colorado Rules of Civil Procedure, including payment of witness fees. When the witness is subpoenaed at the insistence of the Town, such fees shall be paid by the Town. When a witness is subpoenaed at the insistence of the taxpayer, the Finance Director may require that the cost of the service of the subpoena and the fee be paid by the taxpayer. In the discretion of the Finance Director, a deposit to cover the cost of the subpoena and witness fees may be required.
 - 2. If a subpoena issued by the Finance Director is duly served and the respondent fails to attend, give testimony or produce books, accounts or records as commanded, the Finance Director may request the Town Attorney to file a motion with the Municipal Court for an order enforcing the subpoena. (Ord. No. 2011-08 §11(F)).
- G. Oaths. The Finance Director is authorized to administer oaths and take testimony at the hearing. (Ord. No. 2011-08 §11(G)).
- H. Agents. The Finance Director may designate agents to assist in the performance of the duties and responsibilities set forth in this Article. (Ord. No. 2011-08 §11(H)).

- I. Partial payments. The Finance Director may accept any partial payment made and apply such payments toward the tax due. Deposit of such payments shall not in any way imply that the remaining balance is or has been abated. (Ord. No. 2011-08 §11(I)).
- J. Notices. Notices required by this Article, excepting the first notice of assessment, shall be in writing and delivered in person by the Finance Director or his or her agent, or sent postage paid by certified mail to the last known address of the taxpayer or served in person by an officer of the Town Police Department. (Ord. No. 2011-08 §11(J)).

3.04.110 Sales Tax Registration

- A. Except as provided in this Article, any person engaged in business in the Town must first register on the forms provided by the Town. No sales tax license shall be required for any governmental agency or charitable organization which is exempt from the Sales Tax under this Article. Governmental agencies or charitable organizations which are exempt from the Sales Tax on the purchases of tangible personal property, the collection, reporting and payment of appropriate Sales Taxes to the Town is required on the sale or auction of tangible personal property even when used for the purpose of not-for-profit fundraising, whether or not a sales tax registration has been performed. (Ord. No. 2011-08 §8(A)).
- B. When business is transacted by one (1) person at two (2) or more separate locations inside the Town, a single registration may occur, but shall list all locations for each place of business. (Ord. No. 2011-08 §8(B)).
- C. Persons for whom registration is required shall first submit to the Finance Director an application on forms to be provided by the Town, providing the name and address of the person requesting such license; the name of the business being licensed and the character thereof; the location, including the physical address and mailing address of such business; and such other information as the Finance Director may require. (Ord. No. 2011-08 §9(A)).
- D. Registration shall be in effect for one (1) year and shall be renewed upon renewal of the general business license or upon completion of a license renewal registration process. (Ord. No. 2011-08 §9(B)).
- E. No registration shall be transferable. After any sale or acquisition of a business, the new owner shall complete a new registration. (Ord. No. 201-08 §9(C)).
- F. Cancellation. The Finance Director may cancel any license for the following reasons:
 - 1. Upon receipt of a written notice that the taxpayer is no longer engaged in business in the Town.
 - 2. Upon the taxpayer's failure to respond to three (3) consecutive notices of delinquency. (Ord. No. 2011-08 §10(A)).

- G. The Finance Director shall give notice to the taxpayer that the license has been cancelled. Notice shall be in writing, served on the taxpayer in person by an officer of the Town Police Department, or delivered by certified mail or any combination of those notification procedures. (Ord. No. 2011-08 §10(B)).
- H. Revocation. The Finance Director may, after a reasonable notice and a full hearing, issue a finding and order to revoke the license of any person found to have violated any provision of this Article. (Ord. No. 2011-08 §10(C)).
- I. Appeal. Any person may appeal a finding and order revoking their license in District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. No. 2011-08 §10(D)).
- J. No taxpayer shall continue engaging in business in the Town after his or her license has been cancelled or revoked. (Ord. No. 2011-08 §10(E)).

3.04.120 Audit of Record.

- A. For the purpose of ascertaining the correct amount of tax due from any person engaged in business in the Town, the Finance Director may authorize his or her agent to conduct an audit by examining any relevant books, records and accounts of such person.
 - 1. All books, accounts and records shall be available at any time during regular business hours for examination by an authorized agent of the Finance Director. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested by the Finance Director, the Finance Director may issue a subpoena to require that the taxpayer or his or her representative attend a hearing or produce any such books, accounts or records for examination.
 - 2. Any tax deficiency or overpayment ascertained through audit shall be computed by one (1) or more of the following methods as the Finance Director deems appropriate:
 - a. By comparing the tax reported and paid on returns to the actual tax due.
 - b. By identifying transactions on which the tax was not properly or accurately collected or paid.
 - c. By identifying other irregularities in the calculation of tax due.
 - 3. Any charitable organization claiming exemption under the provisions of this Article is subject to audit in the same manner as any other person engaged in business in the Town. (Ord. No. 2011-08 §12(A)).
- B. Coordinated Audit. Any taxpayer licensed in the Town pursuant to this Article and holding a similar sales tax license in at least four (4) other Colorado municipalities that administer their own sales tax collection may request a coordinated audit as provided herein.
 - 1. Within fourteen (14) days of receipt of notice of an intended audit by any municipality that administers its own sales tax collection, the taxpayer may provide to the Finance Director, by certified mail, return receipt requested, a written request for a coordinated audit indicating the municipality from which the notice of intended audit was received

and the name of the official who issued such notice. Such request shall include a list of those Colorado municipalities utilizing local collection of their sales tax in which the taxpayer holds a current sales tax license and a declaration that the taxpayer will sign a waiver of any passage of time-based limitation upon the Town's right to recover tax owed by the taxpayer for the audit period.

2. Except as provided in Subsection (F) below, any taxpayer who submits a complete request for a coordinated audit and promptly signs a waiver of any statute of limitations may be audited by the Town during the twelve (12) months after such a request is submitted only through a coordinated audit involving all municipalities electing to participate in such an audit.
 3. If the Town desires to participate in the audit of a taxpayer who submits a complete request for a coordinated audit pursuant to Subsection (a) above, the Finance Director shall so notify the Finance Director or other proper authority of the municipality whose notice of audit prompted the taxpayer's request for a coordinated audit. The Finance Director shall cooperate with other participating municipalities in arranging the time in which the coordinated audit will be conducted, the period of time to be covered by the audit and a coordinated notice to the taxpayer of those records most likely to be required for completion of the coordinated audit.
 4. If the taxpayer's request for a coordinated audit was in response to a notice of audit issued by the Town, the Finance Director shall facilitate arrangements between the Town and other municipalities participating in the coordinated audit, unless and until an official from some other participating municipality agrees to assume this responsibility. The Finance Director shall cooperate with other participating municipalities to, whenever practical, minimize the number of auditors that will be present on the taxpayer's premises to conduct the coordinated audit on behalf of the participating municipalities. Information obtained by, or on behalf of, those municipalities participating in the coordinated audit may be shared only among such participating municipalities.
 5. If the taxpayer's request for a coordinated audit was in response to a notice of audit issued by the Town, the Finance Director shall, once arrangements for the coordinated audit between the Town and other participating municipalities are completed, provide written notice to the taxpayer of which municipalities will be participating, the period of time to be audited and the records most likely to be required by the participating municipalities for completion of the coordinated audit. The Finance Director shall also propose a schedule for the coordinated audit. (Ord. No. 2011-08 §13).
- C. The coordinated audit procedure set forth in this Section shall not apply:
1. When the proposed audit is a jeopardy audit.
 2. To audits for which a notice of audit was given prior to the effective date of the Chapter codified herein.
 3. When a taxpayer refuses to promptly sign a waiver of any pertinent statutes of limitations.
 4. When a taxpayer fails to provide a timely and complete request for a coordinated audit as provided for in Subsection (B) above. (Ord. No. 2011-08 §13(F)).

3.04.130 Tax Information Confidential.

- A. All specific information gained under the provisions of this Article which is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through an audit, shall be treated by the Town and its officers, employees, agents or legal representatives as confidential. The Town shall require all officers, agents and employees who are directly involved with such confidential information to sign an acknowledgment and/or agreement regarding the confidentiality of such information. (Ord. No. 2011-08 §14(A)).
- B. Except as directed by judicial order or as provided in this Section, no Town officer, employee, agent or legal representative shall divulge any confidential information. Nothing contained in this Section shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative of a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers or the inspection of such confidential information by an officer, employee, agent or legal representative of the Town. (Ord. No. 2011-08 §14(B)).
- C. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information that is directly involved in the action or proceeding. (Ord. No. 2011-08 §14(C)).

3.04.140 Overpayment

- A. Overpayment from Returns. If the amount remitted with the return is more than the tax due as computed from information in such return, the taxpayer shall be notified.
 - 1. If the overpayment is at least fifteen dollars (\$15.00), a notice of overpayment will be issued. After examining such notice, the taxpayer may either submit a claim for a refund or report the correct tax due by filing an amended return. No refund of such overpayment shall be paid unless a signed claim for a refund is submitted on or before the thirtieth day after the date of notice of overpayment.
 - 2. If the overpayment is less than fifteen dollars (\$15.00), it shall be credited to the tax due for the next reporting period. (Ord. No. 2011-08 §15).
- B. Overpayment Determined Through Audit. If the Town ascertains through audit of a taxpayer's records that the tax due is less than the full amount paid, a notice of overpayment shall be issued. Such notice will serve as documentation for a claim of refund, if such claim is signed and submitted by the taxpayer within thirty (30) days of the date of the notice of overpayment. (Ord. No. 2011-08 §16).

C. Claim for Refund. No tax overpayment except as provided in Section 3.04.160 above shall be refunded unless a claim for refund is signed and submitted to the Town by the taxpayer.

1. An application for refund of tax shall:
 - a. Be made on a claim for refund form furnished by the Town.
 - b. Be signed by the taxpayer.
 - c. Include adequate documentation of the claim.
2. The Finance Director shall examine the claim for refund and give written notice to the taxpayer of the amount to be refunded or denied.
3. The right of any person to obtain a refund pursuant to this Article shall not be assignable.
4. No person shall make any false statement in connection with a claim for refund. (Ord. No. 2011-08 §18).

3.04.150 Underpayment on Returns.

- A. If the amount remitted with a return is less than the tax computed from information in such return, the taxpayer shall be notified.
 1. If the underpayment is at least fifteen dollars (\$15.00), a notice of assessment shall be issued.
 2. If the underpayment is less than fifteen dollars (\$15.00), it shall be added to the tax due for the next reporting period. (Ord. No. 2011-08 §19).

3.04.160 Tax Deficiencies and Penalties

- A. If any taxpayer neglects or refuses to obtain a license, the amount of tax due shall be estimated, based upon such information as may be available, and a notice of assessment shall be issued. (Ord. No. 2011-08 §20(A)).
- B. If any taxpayer neglects or refuses to file a return by the date due, the tax due shall be estimated, based on such information as may be available, and a notice of assessment shall be issued. (Ord. No. 2011-08 §20(B)).
- C. Estimated tax due shall be adjusted if a return reporting actual tax due is filed on or before the payment date of the notice of assessment. (Ord. No. 2011-08 §20(C)).
- D. If the Town determines through an audit of the taxpayer's records that the tax due has not been fully reported or paid by the applicable due date, a notice of assessment shall be issued. (Ord. No. 2011-08 §21(A)).
- E. Penalties. A penalty shall be levied for any tax deficiency.
 1. Penalty for late payment. For transactions consummated after the effective date of the Chapter codified herein, the penalty for late payment shall be ten dollars (\$10.00) or ten percent (10%) of the tax deficiency, whichever is greater. Additionally, one percent

(1%) of the tax deficiency per month from the date when due, not exceeding eighteen percent (18%) in the aggregate, shall be assessed.

2. Penalty for fraud. If any tax deficiency is due to fraud or intent to evade the tax, the penalty shall be one hundred percent (100%) of the total tax deficiency.
 3. Abatement of penalty. Any penalty assessed under this Section may be abated by the Finance Director, with the approval of the Town Manager, if the taxpayer submits a written request for such abatement on or before the payment date of the applicable notice of assessment, and if the Finance Director and the Town Manager find good cause thereof. (Ord. No. 2011-08 §22).
- F. Interest. Interest shall be levied on any tax deficiency at a rate to be set by the Town from time to time. Interest shall be calculated for each month or portion of a month from the due date that a tax deficiency remains unpaid.
1. When a timely protest is made to a notice of assessment, no additional interest shall be assessed on any tax upheld by the Finance Director for the period between the due date of such assessment and the payment date established in an informal meeting or thirty (30) days after the date of a finding of fact, conclusion or a decision issued after a hearing.
 2. Interest properly assessed on any tax deficiency shall not be abated. (Ord. No. 2011-08 §23).

3.04.170 Notice of Assessment and Protest

- A. The Finance Director or his or her agent shall issue a notice of assessment for any tax deficiency, penalties or interest due. (Ord. No. 2011-08 §24(A)).
- B. The first notice of assessment shall be made electronically to the email address provided by the vendor. All further notices of assessment shall be in writing and delivered in person or sent postage paid by first-class mail to the last known address of the taxpayer. (Ord. No. 2011-08 §24(B)).
- C. The payment due date for the tax due pursuant to a notice of assessment shall be twenty-one (21) days after the date of the notice of assessment. (Ord. No. 2011-08 §24(C)).
- D. The Finance Director, with the consent of the Town Manager, may abate a portion of any tax deficiency if good cause therefore exists. (Ord. No. 2011-08 §24(D)).
- E. Any notice of assessment may be protested by the taxpayer to whom it is issued. (Ord. No. 2011-08 §25(A)).
- F. A protest of a notice of assessment issued to a vendor or taxpayer for failure to file a return, underpayment of tax owed or as a result of an audit shall be submitted in writing to the Finance Director within twenty (20) calendar days from the date of the notice of assessment.

Any such protest shall identify the amount of tax disputed and the basis for the protest. (Ord. No. 2011-08 §25(B)).

- G. When a timely protest is made, no further enforcement action will be instituted by the Town for the portion of the assessment being protested unless the taxpayer fails to pursue the protest in a timely manner. (Ord. No. 2011-08 §25(C)).
- H. Any denial of a claim for a refund may be protested by the taxpayer who submitted the claim. A protest of a denial of a refund shall be submitted in writing to the Finance Director within twenty (20) calendar days from the date of the denial of the refund and shall identify the amount of the refund requested and the basis for the protest. (Ord. No. 2011-08 §25(D)).
- I. Any timely protest entitles a taxpayer to a hearing under the provision of this Article. (Ord. No. 2011-08 §25(E)).
- J. If, in the opinion of the Finance Director, the issues involved in such protest are not a matter of interpretation or may be resolved administratively, the Finance Director may recommend an informal meeting with the taxpayer to resolve the issues. (Ord. No. 2011-08 §25(F)).
- K. Participation in such an informal meeting does not prevent either the taxpayer or the Town from holding a formal hearing if the dispute cannot be resolved by such meeting. (Ord. No. 2011-08 §25(G)).

3.04.180 Hearings and Appeals

- A. The Town shall commence a hearing within ninety (90) days after the Town's receipt of the taxpayer's written protest, except that the Town may extend such period if the delay is requested by the taxpayer. The Finance Director shall notify the taxpayer in writing of the time and place of such hearing. (Ord. No. 2011-08 §26(A)).
- B. Every hearing shall be held within the Town and before the Finance Director and/or the Town Manager. (Ord. No. 2011-08 §26(B)).
- C. The taxpayer may assert any facts, make any arguments and file any briefs and affidavits which, in the opinion of the taxpayer, are pertinent to the protest. The filing of briefs shall not be required. (Ord. No. 2011-08 §26(C)).
- D. Based on the evidence presented at the hearing, the Finance Director shall issue a finding of fact, conclusions and decision which may modify or abate in full the tax, penalties and/or interest protested at the hearing, approve a refund or uphold the assessment. (Ord. No. 2011-08 §26(D)).
- E. After such hearing, the taxpayer shall not be entitled to a second hearing on the same notice of assessment or denial of refund. (Ord. No. 2011-08 §26(E)).

- F. Unless the decision of the Finance Director is appealed as provided in this Article, the remaining tax due, if any, shall be paid on or before thirty (30) days after the date of the finding of fact, conclusions and decision. (Ord. No. 2011-08 §26(F)).
- G. Subsequent to a hearing, the taxpayer may appeal the decision of the Finance Director to District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. No. 2011-08 §27(A)).
- H. Upon appeal to the District Court, the taxpayer shall either file with the Finance Director a bond for twice the unpaid amount or deposit the unpaid amount with the Finance Director. (Ord. No. 2011-08 §27(B)).
- I. An appeal of a final decision of the Finance Director in a hearing held pursuant to this Article shall be commenced within thirty (30) days of such decision. (Ord. No. 2011-08 §27(C)).

3.04.190 Lien for Tax Due

- A. Issuance. If any tax due is not paid by the payment date of a notice of assessment, the Finance Director may issue a notice of lien on the real and personal property of the taxpayer. Such lien shall specify the name of the taxpayer, the tax due, the date of accrual thereof and the location of the property, and shall be certified by the Finance Director. (Ord. No. 2011-08 §28(A)).
- B. Filing. The notice of lien shall be filed in the office of the Clerk and Recorder of any county in the State in which the real and personal property of the taxpayer is located. Such filing shall create a lien on such property in that county and constitute a notice thereof. (Ord. No. 2011-08 §28(B)).
- C. Priority. The attachment and priority of such lien shall be as follows:
 - 1. Such lien shall be a first and prior lien upon the goods and business fixtures owned or used by any taxpayer, including those under lease, installment sale or other contract agreement, and shall take precedence on all such property over all other liens or claims of whatsoever kind or nature.
 - 2. Such lien on the real and tangible personal property of the taxpayer that is not goods, stock in trade and business fixtures shall be a first and prior lien except as to pre-existing claims or liens of a bona fide mortgagee, pledge, judgment creditor or purchaser whose rights have attached and been perfected prior to the filing of the notice of lien.
 - 3. The personal property of an owner who has made a bona fide lease to a taxpayer shall be exempt from the lien created in this Sub-section if such property can reasonably be identified from the lease description and if the lessee is given no right to become the owner of the property leased. This exemption shall be effective from the date of the

execution of the lease if the lease is recorded with the Clerk and Recorder of the county where the property is located or based.

4. Motor vehicles which are properly registered in this State, showing the lessor as owner thereof, shall be exempt from such lien except that such lien shall apply to the extent that the lessee has earned reserve, allowance for depreciation not to exceed the fair market value or similar interest, which is or may be credited to the lease.
5. Where a lessor and lessee are blood relatives or relatives by law or have twenty-five percent (25%) or more common ownership, a lease between such lessee and such lessor shall not be considered as bona fide for the purposes of this Section. (Ord. No. 2011-08 §28(C)).

D. Enforcement against real property. If a notice of lien is filed against any real property, the Finance Director may direct the Town Attorney to file a civil action to enforce such lien. The court may determine the interest in the property of each party, decree a sale of the real property and distribute the proceeds according to such findings. Procedure for the action and the manner of sale, the period for and manner of redemption from the sale and the execution of deed of conveyance shall be in accordance with the law and practice relating to foreclosures of mortgages upon real property. In any such action, the court may appoint a receiver of the real property involved in such action if equity so requires. (Ord. No. 2011-08 §28(D)).

E. Any lien filed pursuant to this Section shall include the costs of the Town, including reasonable attorney's fees. (Ord. No. 2011-08 §28(E)).

F. Performance of Lien. Any lien for tax due shall continue until a release of lien is filed by the Finance Director. Any person who purchases or repossesses real or personal property upon which a lien has been filed by the Finance Director for tax due shall be liable for the payment of such tax due up to the value of the property taken or acquired. (Ord. No. 2011-08 §29).

G. Release of Lien. Upon payment of the tax due or enforcement of the lien, the Finance Director shall file a release of the lien with the Clerk and Recorder of the county in which the lien was filed. (Ord. No. 2011-08 §30(A)).

3.04.200 Civil Action

A. Any unpaid tax due shall constitute a debt of the taxpayer to the Town, and the Finance Director or Town Manager may direct the Town Attorney to file a civil action in the Town's Municipal Court to collect such taxes due. (Ord. No. 2011-08 §31(A)).

B. The return filed by a taxpayer or the notice of assessment issued by the Finance Director shall be prima facie proof of the tax due. (Ord. No. 2011-08 §31(B)).

C. If a judgment is obtained by the Town, collection of the tax due may be made by attachment, garnishment or other means established by law. When attachment is sought, no bond shall be

required of the Finance Director, nor shall any sheriff require of the Finance Director an indemnity bond for executing the writ of attachment or writ of execution upon any judgment. (Ord. No. 2011-08 §31(C)).

- D. In any such civil action filed by the Town Attorney, the Town shall be entitled to recover its costs incurred therein, including reasonable attorney's fees. (Ord. No. 2011-08 §31(D)).

3.04.210 Jeopardy Assessment.

- A. Issuance. If the collection of any tax due from a taxpayer, whether or not previously assessed, will be jeopardized by delay, the Town Manager may declare the taxable period immediately terminated, require the Finance Director to determine the tax and issue a jeopardy assessment and demand payment. Any tax so assessed shall be due and payable immediately. (Ord. No. 2011-08 §32(A)).
- B. Security for payment. Enforcement of a jeopardy assessment and demand for payment may be stayed if the taxpayer gives security for payment which is satisfactory to the Town Manager. (Ord. No. 2011-08 §32(B)).
- C. If, in the opinion of the taxpayer, the jeopardy assessment is not for the correct amount of the tax due, the taxpayer shall pay the tax due as assessed and submit a claim for refund to the Town. (Ord. No. 2011-08 §32(C)).

3.04.220 Distraint and Sale.

- A. Unless such property is exempt by state statute from distraint and sale, the Town Manager may sign and issue a warrant directed to any employee or agent of the Town, or any sheriff of any county in the State, commanding the distraint and sale of personal property of the taxpayer on which a lien has been attached for payment of the tax due. (Ord. No. 2011-08 §33(A)).
- B. Such warrant may be issued if such tax due is not paid on or before twenty-one (21) days from the payment date of a notice of assessment, and no protest of such assessment has been timely filed. (Ord. No. 2011-08 §33(B)).
- C. Such warrant may be issued immediately if a jeopardy assessment and demand for payment has been issued. (Ord. No. 2011-08 §33(C)).
- D. If the taxpayer does not volunteer entry into the premises, the Town Manager may apply to the Municipal Court for a warrant authorizing any employee of the Town to search for and

distrain property located within the Town to enforce the collection of the tax due. (Ord. No. 2011-08 §33(D)).

- E. The Town Manager shall demonstrate to the Municipal Court that the premises to which entry is sought contains property that is subject to distraint and sale for tax due. (Ord. No. 2011-08 §33(E)).
- F. If a jeopardy assessment and demand for payment has been issued, the Town Manager shall specify to the Municipal Court why collection of the tax will be jeopardized. (Ord. No. 2011-08 §33(F)).
- G. The procedures to be followed in issuing and executing a warrant pursuant to this Subsection shall comply with Rule 241 of the Colorado Municipal Court Rules of Procedure. (Ord. No. 2011-08 §33(G)).
- H. Disposal of distrained property:
 - 1. A signed inventory of the property distrained shall be made by the Town or its agent. Prior to the sale, the owner or possessor shall be served with a copy of said inventory, a notice of the sum of the tax due and related expenses incurred to date and the time and place of sale.
 - 2. A notice of time and place of the sale, together with a description of the property to be sold, shall be published in a newspaper of general circulation within the Town where distraint is made or, in lieu thereof and in the discretion of the Finance Director, the notice shall be posted at the courthouse of the county where the distraint is made and in at least two (2) other places of general public view within such county.
 - 3. The time fixed for the sale shall not be less than ten (10) days nor more than sixty (60) days from the date of distraint. The sale may be postponed by the Town or its agent for no more than ninety (90) days from the date originally fixed for the sale.
 - 4. The property shall be sold at public auction for not less than a fair minimum price, and if the amount bid for the property is less than the fair minimum price so fixed, the property may be declared to be purchased by the Town, and the Town shall file a release of lien thereon. If the property is purchased by the Town, such property may be disposed of in the same manner as other Town property, and the lien thereon shall be released.
 - 5. The property may be offered first by bulk bid, then subsequently for bid singularly or by lots, and the Town or its agent may accept the higher bid.
 - 6. The property offered for sale may be redeemed if the owner or possessor or other person holding an unperfected chattel mortgage or other right of possession pays the tax due and all collection costs no less than twenty-four (24) hours before the sale.
 - 7. The Town or its agent shall issue to each purchaser a certificate of sale, which shall be prima facie evidence of its right to make the sale and transfer to the purchaser of all right, title and interest of the taxpayer in and to the property sold.
 - a. When the property sold consists of certificates of stock, the certificate of sale shall be notice to any corporation, company or association to record the transfer on its books and records.

- b. When the property sold consists of securities or other evidence of debt, the certificate of sale shall be good and valid evidence of title.
 - 8. Any surplus remaining after satisfaction of the tax due, plus any costs of making the distraint and advertising the sale, may be distributed by the Town, first to other jurisdictions which have filed liens or claims of sales and use or personal property ad valorem taxes, and second, to the owner or other person having a legal right thereto.
 - 9. The Finance Director shall submit a written account of the sale to the Town Manager. (Ord. No. 2011-08 §33(H)).
- I. Exempt property. Property of the taxpayer subject to distraint shall include the personal property of the taxpayer and the goods, stock in trade and business fixtures owned or used by any taxpayer, including those used under lease, installment sale or other contract arrangement. (Ord. No. 2011-08 §33(I)).
- J. Return of the property. The taxpayer or any person who claims an ownership interest or right of possession in the distraint property may petition the Town Manager, or the Municipal Court if the property was seized pursuant to warrant issued by the Court, for return of the property.
- 1. The grounds for return of the property shall be that the person has a perfected interest in such property that is superior to the Town's interest, or that the property is exempt from the Town's lien.
 - 2. The finder of fact shall receive evidence on any issue of fact necessary to the decision of the petition. If the finder of fact determines by a preponderance of the evidence in favor of the taxpayer or other petitioner, the property shall be returned. (Ord. No. 2011-08 §33(J)).
- K. Status of Tax in Bankruptcy and Receivership. Whenever the business or property of any taxpayer is subject to receivership, bankruptcy or assignment for the benefit of creditors or distrained for property taxes, all tax due shall be a prior and preferred lien against all the property of the taxpayer. No sheriff, receiver, assignee or other officer shall sell the property of any such taxpayer under process or order of the Finance Director or Town Manager for less than the amount of the tax due. The officer shall pay any tax due before making payment to any judgment, creditor or other claimant. (Ord. No. 2011-08 §34(A)).

3.04.230 Violations, Enforcement and Penalty.

- A. It shall be a violation of this Chapter to fail to perform any applicable affirmative duty specified in this Chapter, including but not limited to:
- 1. The failure of any person engaged in business in the Town to obtain applicable licenses.
 - 2. The failure of any taxpayer to file a timely return or to make timely payment of any tax due.
 - 3. The making of any false or fraudulent statement by any person in any return, claim for refund or hearing.

4. The evasion of collection of any sales or use tax by any person or the aiding or abetting of any other person in an attempt to evade the timely payment of tax due. (Ord. No. 2011-08 §35(A)).
- B. The Finance Director or the Town Manager may direct the issuance of a summons and complaint to appear before the Municipal Court to any person who may be in violation of this Chapter or of the rules and regulations promulgated by the Finance Director or the Town Manager, to enforce this Chapter. (Ord. No. 2011-08 §35(B)).
 - C. Violations of this Chapter shall be punishable by a fine of not less than \$100 and not more than \$1000. The Town shall also be entitled to a judgment, which includes its costs and reasonable attorney's fees for the enforcement of this Chapter. Each and every 24-hour continuation of any violation shall constitute a distinct and separate offense. (Ord. No. 2011-08 §35(C)).

3.04.240 Statute of Limitations

- A. Unless the limitation period has been extended as provided in this Section, the statute of limitations for provisions contained herein shall be as follows:
 1. Refunds.
 - a. Any claim for refund for disputed tax shall be submitted to the Town Manager or Finance Director on or before sixty (60) days from the date of such purchase.
 - b. Any claim for refund resulting from a notice of overpayment shall be submitted to the Town Manager or Finance Director on or before thirty (30) days after the date of such notice of overpayment.
 - c. Any other claim for refund shall be filed on or before three (3) years after the date such overpayment was paid to the Town.
 2. Assessments. No notice of assessment shall be issued more than three (3) years after the due date of such tax due.
 3. Liens. No notice of lien shall be issued more than three (3) years after the due date of the tax due. If the limitation period is extended, a notice of lien may be filed on or before thirty (30) days from the date of the notice of assessment issued for each extended period.
 4. Returns.
 - a. When a taxpayer fails or refuses to file a return, the tax due may be assessed and collected at any time.
 - b. In the case of a false or fraudulent return filed with intent to evade tax, the tax due may be assessed, or proceedings for the collection of such tax due may begin at any time.
 5. Protests. No protest of a notice of assessment or denial of a claim for refund shall be valid if submitted to the Finance Director or the Town Manager in other than written form or after the period allowed in this Section(Ord. No. 2011-08 §36(A)).
- B. The period of limitation may be extended before its expiration.

1. The taxpayer and Town Manager may agree in writing to extend the period.
 2. If the Town provides written notice to the taxpayer prior to the expiration of the period of limitation that the latter's records will be audited pursuant to this Chapter, such period of limitation shall be extended for the audit period until thirty (30) days after the date of the notice of assessment or notice of overpayment issued as a result of such audit. Audit period means the 36-month reporting period preceding the date of the notice of audit. (Ord. No. 2011-08 §36(B)).
- C. Performance of an audit does not constitute a waiver or exemption from the statute of limitations or preclude additional audits of the same period within the parameters of this Section. (Ord. No. 2011-08 §36(C)).

3.04.250 Enforceability

- A. The repeal or modification of any portion of this Chapter of the Town of Mountain Village shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order, which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions. (Ord. No. 2011-08 §38).
- B. All other Chapters or portions thereof inconsistent or conflicting with this Chapter or any portion hereof is hereby repealed to the extent of such inconsistency or conflict. (Ord. No. 2011-08 §39).



To: Mountain Village Town Council

From: John Miller, Senior Planner

For: June 18, 2020, Town Council Meeting

Date: May 6, 2020, *Updated June 8, 2020*

Re: Long Range CDC Amendments - Housekeeping

PART I. Introduction

This staff memo has been prepared in an effort to improve and clarify the Community Development Code (CDC) by amending *Title 17* to correct errors, provide clarifications, and make minor amendments that increase consistency, clarify requirements, and ease certain restrictions. Each change proposed is not significant enough to be a stand-alone long-range planning action and therefore, they have been grouped to allow efficient use of the Town Council's time. During the first reading of this proposal on May 21, 2020, Staff was directed by Town Council to provide additional details related to the proposed CDC modifications, and the staff notes within this memo attempt to detail some of the contextual reasoning behind each proposed change.

This report addresses the following topics and includes a detailed discussion of each in Part II:

1. Amend Section 17.3.11 to better clarify building height measurement calculations.
2. Create Section 17.3.22: Right-of-Way and Town-owned Access Tract Standards
3. Amend Section 17.4.3 to correct typos and inconsistencies.
4. Amend Section 17.4.9 to correct Rezone Limitation inconsistencies.
5. Amend Section 17.5.6 to modify provisions for roofing materials to align with new standards
6. Amend Section 17.5.9 to allow for the issuance of a CO before completion of landscaping in certain cases.

PART II. Text Amendment Discussion

The following discussion considers each of the proposals in detail and identifies the relevant sections of the CDC. *Staff notes will be provided in blue italicized text.*

The following formatting styles are used for the proposed code language:

Regular Text = Existing code language to remain

Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

(*******) = Portion of existing code removed (skipping to another code section to reduce report length)

1. Amend Section 17.3.11 to better clarify building height measurement calculations.

***Staff Note:** In the course of reviewing development applications, staff determined that the code provisions related to building height, average building height, and maximum building heights could be clarified to help property owners better understand the submittal requirements before investing money on architectural drawings showing building height measurements that do not comply with the CDC. This change includes specifying where maximum height and average height measurements are taken along each facade, as well as requiring a parallel plane or slope analysis demonstrating the home is not taller than the allowed heights. This change does not modify or increase permitted heights for development in the CDC and the new submittal requirements would apply to all new development or additions.*

In addition, this amendment proposes some guidelines surrounding cases where the Director of Community Development may need to establish the natural grade of a Lot that has been previously disturbed, and what types of studies or documentation may be required for them to do so.

Chapter 17.3 ZONING AND LAND USE REGULATIONS

(*******)

17.3.11: BUILDING HEIGHT

A. General

The Town requires a Building Height and an Average Building Height calculation.

The building height requirements of this section shall apply unless other building heights are specified in an approved PUD development agreement or on a recorded plat.

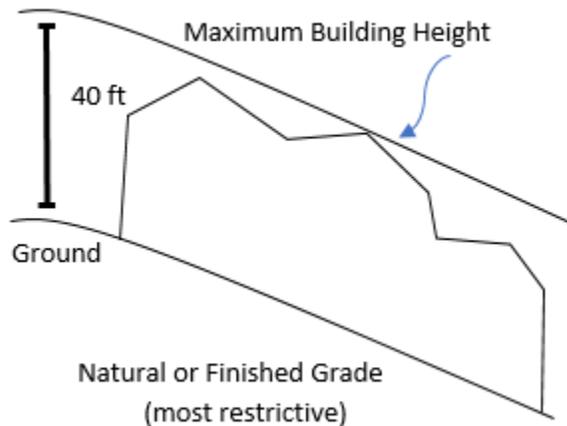
B. Method for Measuring Building Height.

1. The Building Height shall be measured ~~vertically at a right angle to the horizon line from any point on a proposed or existing roof or eave~~ from the highest point on the rooftop, roof ridge, parapet, or topmost portion of the structure (including but not limited to the roofing membrane) to the natural grade or finished grade, whichever is more restrictive, located directly below ~~said point of the~~ highest point of the structure. ~~roof or eaves.~~ A

building height calculation is produced for each of the four (4) architectural elevations.

2. On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the building height shall also be demonstrated relative to a plane parallel to and measured vertically from the natural grade or finished grade, whichever is most restrictive, to the maximum building heights established in Table 3-3 of the CDC. No portion of the building may exceed this parallel plane or slope except as otherwise permitted within the CDC. See Figure 3-2-5 below.

Figure 3-2-5. Parallel Plane or Slope Diagram for Single Family Home



3. If the existing pre-construction grade has been disturbed prior to development, the Director of Community Development may accept an estimation of pre-development topography prepared by a registered land surveyor or civil engineer. The Director may require additional historical documentation, technical studies, reports or other information to establish the natural grade.
4. If the Planning Division determines that there are minor irregularities in the natural grade, these areas shall not be used in determining compliance with the building height limitation set forth herein, and the surrounding typical natural grade shall be used.
5. Window wells and similar building appurtenances installed below grade that extend out five (5) feet or less (as measured from the outside of retaining wall) shall not be counted as the finished grade for the purposes of calculating building height if such features do not add to the perceived height of a building.

C. Method for Measuring the Maximum Average Building Height.

1. The Maximum Average Building Height shall be measured from the natural grade or the finished grade, whichever is more restrictive, to a the point on the roof plane midway between the eave and ridge the highest point on the rooftop, roof ridge, parapet or topmost portion of the structure. An average building height calculation is produced for each of the four (4) architectural elevations. The four (4) height calculations are then averaged to derive the Average Building Height.

2. On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the ~~maximum~~ average building height calculation shall be determined by taking the average of heights at equal intervals around the perimeter of a building. Those intervals shall be no more than twenty (20) feet. When multiple roofs occur within any interval, the height for that interval shall be measured from the finished grade or natural grade (whichever is most restrictive) to the highest point on the rooftop, roof ridge, parapet or topmost portion of the structure ~~a point on the highest primary roof midway between the eave and the ridge~~. For purposes of determining the maximum average height on complex buildings, a roof shall have a horizontal projection of at least ten (10) feet. This definition does not intend to allow strategies to circumvent the intention of the maximum average height limitation through such relationships as high-rise structures surrounded by low secondary roofs.

C. Plan Submittal Requirements
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1. All development applications subject to the building height limits established by this CDC shall submit the following information to ensure the requirements set forth herein are met:
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 - d. Elevation drawings of all facades of a proposed building or structure that show:
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 - vi. Parallel Plane or Slope Analysis as applicable.

2. Create Section 17.3.22: Right-of-Way and Town-owned Access Tract Standards

Staff Note: In the past, all encroachments into Town-owned ROW or Access Tracts required approval by Town Council regardless of size or scale. A number of these instances of encroachment are what staff would consider insubstantial encroachments and typically are things like driveway infrastructure, address monuments, landscaping, or other minor improvements associated with the home. In some instances, the encroachments are larger and warrant the Town Council review. This proposal is aimed at reducing the workloads of both Staff and Council, as well as simplifying processes for property owners for some of these minor encroachments while also maintaining a path for Town Council review of items that are of a greater magnitude.

Chapter 17.3 ZONING AND LAND USE REGULATIONS

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17.3.22 Right of Way and Town-Owned Access Tract Encroachment Agreement Requirements.

1. For any new development on a privately owned lot that includes ancillary and associated improvements proposed to be located on or projecting into and/or over right-of-way or Town-owned access tracts, the review authority shall first review, and if approved, require the lot owner to enter into a Revocable Encroachment Agreement with the Town that includes indemnification for the Town from liability that may arise from such encroachments.

2. The Planning Division shall be responsible for referring development applications with ancillary or associated improvement encroachments into the right-of-way or Town-owned access tracts to the Town Public Works Department and Fire Department, as applicable. If it is determined by Town staff that the encroachment is insubstantial, then the Planning Division shall finalize the Revocable Encroachment Agreement with the applicant. If the encroachments are determined to be substantial by Town Staff, the Lot owner shall request approval from Town Council, as a Class 5 application, to allow the encroachments to be approved and for the Lot owner to enter into a Revocable Encroachment Agreement with the Town.
3. The encroachment agreement shall be in form and manner set forth by the Town and shall be recorded in the San Miguel County Clerk and Recorder's Office at the applicant's expense.
4. The encroachment agreement shall be executed and recorded prior to the Final Planning Inspection for any building permit or development permit.
5. In the event the encroachment is pre-existing absent an encroachment agreement, the Town will follow the same procedure outlined in 17.3.22.(2) above.

3. Amend Section 17.4.3 to correct typos and inconsistencies.

Staff Note: The majority of changes within this section are ministerial. The DRB does not make recommendations of Class 3 applications, it makes final decisions.

Chapter 17.4 DEVELOPMENT REVIEW PROCEDURES

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17.4.3 DEVELOPMENT REVIEW PROCEDURES

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G. Step 7: Schedule Review Authority Public Hearing

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2. Class 3, 4 and 5 Applications

- a. A public hearing shall be scheduled with the review authority in accordance with this section if the Planning Division determines that a class 3, 4 or 5 development application has met the following public hearing threshold requirements:

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- iv. For Class 3 applications, an Initial Architecture and Site Review hearing has been scheduled prior to the scheduled date for the Final Review public hearing.-

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K. Step 11: Review Authority Action on a Development Application

1. Class 1 or Class 2 Applications.

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- b. The Planning Division's action on class 1_or 2 development applications shall be based on a finding of compliance with the specific requirements of this CDC for the type of development application under review and shall be for approval, conditional approval or denial.

2. Class 3 Applications. The following options are available to the review authority when acting on class 3 development applications:

(***)

- b. Final Review. After the DRB approves the Initial Architecture and Site Review application a public hearing shall be held on a subsequent agenda. The DRB shall have the following options for action:
 - i. Approval. The DRB shall approve a proposed Class 3 development application if it determines that it meets the applicable requirements and criteria of the CDC.
 - a. The DRB's ~~recommendation~~ of approval of a class 3 development application shall be made by motion, approved by a majority vote of the DRB and recorded in the DRB summary of motions.

4. Amend Section 17.4.9 to correct Rezone Limitation inconsistencies.

Staff Note: Section 17.4.9 discusses the rezoning process and rezoning limitations. As shown in the list below, there are contradictory sections that this amendment aims to correct. For example, limitation g is in direct conflict with limitation j. In the recent past, we have had instances of rezonings from commercial to residential and vice versa and this does not affect the overall density limitation as an applicant would have to purchase density from the outstanding density within the density bank. This change does not change any standards but better aligns the existing standards for consistency.

Chapter 17.4 DEVELOPMENT REVIEW PROCEDURES

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17.4.9.D.6: Rezoning Limitations

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- a. Zoning designations assigned to density within the density bank may be changed to another zoning designation during the Rezoning Process when it is being transferred to a lot.
- b. Workforce housing density may not be rezoned to free market units except with the WHR is lost as provided for in the Zoning and Land Use Regulations.
- c. Workforce housing density assigned to a lot or property has specific requirements as set forth in the workforce housing requirements.
- d. Lots or units subject to the workforce housing restriction may only request a rezoning to change the zoning designation to either: (1) employee apartment, employee single-family, employee condominium or employee dorm; or (2) for whole lots only, the PUD Zone District to allow for a mix of workforce housing and free-market dwellings.
- e. Single-family zoning designations within the density bank may be rezoned to any zoning designation as a part of a rezoning and density transfer development application where the density is being transferred from the density bank to a lot.
- f. Lodge, efficiency lodge, hotel and hotel efficiency zoning designations may not be rezoned to condominium zoning designations.
- g. Rezoning of a condominium unit from residential to commercial, or vice-versa, whether or not there is any change to the exterior of the building, requires a rezoning of the affected unit(s).
- h. Lots outside the Village Center rezoning to any zoning designation with multifamily dwellings may be required to have a transportation plan and may be required to provide certain amenities on site, such as outdoor spa facilities, playgrounds, fitness facilities and/or a common area gathering place as conditions of approval.

- i. In development applications that propose removing density from a Village Center and multi-family lot, the applicant must prove the existence of a practical difficulty that prohibits the build out of the platted density. Financial hardship or expense shall not be considered a practical difficulty for the purpose of this section.
- j. Commercial and industrial density and/or zoning designations shall not be rezoned or converted to any other density ~~since such a~~ unless the change would increase does not result in an increase to the overall Density Limitation.

5. Amend Section 17.5.6 to modify provisions for roofing materials to align with new standards

Staff Note: The proposed amendment does not substantially change the CDC standards for roof materials with the exceptions of allowing for Earthen / Landscaped roofs, as well as allowing for rusted roofing materials on dormers and secondary roof forms within the Village Center. These changes were driven by the DRB and evolving design guidelines in the Mountain Village. Staff modified the provisions of section g.ii. to allow for rusted metal roofing materials to be treated for rusting at any time prior to the issuance of the Certificate of Occupancy per Council comments at the first reading.

Chapter 17.5 DESIGN REGULATIONS

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17.5.6.C.3: Roof Material

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- c. Permitted roof material outside the Village Center include:
 - i. Metal roof material limited to the following: rusted, black or gray standing seam, bonderized or corrugated metal (not reflective);
 - ii. Zinc;
 - iii. Minimum 1/2" slate; and
 - iv. Copper;
 - (a) Copper shall only be considered when it is proposed with a brown patina finish.
 - (b) The brown patina finish shall be completed prior to issuing a certificate of occupancy.
 - v. Synthetic roofing material that accurately emulate~~s~~ wood shake, concrete and slate tile or any other roofing material permitted or existing in Mountain Village.
 - (a) Synthetic roofing material shall be:
 - (i) Durable;
 - (ii) High strength, both material and shape;
 - (iii) Low absorption or permeability
 - (iv) High freeze/thaw damage resistance;
 - (v) Color throughout the tile (not surface applied); and high quality design that fits within the architectural context of the building and the architectural context of the surrounding area.
- d. The following roofing material outside of the Village Center shall be approved by the DRB as a specific approval that is processed as a class 3 development application if the DRB finds the roofing material is consistent with the town design theme and the applicable Design Regulations:

- i. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).
 - ii. Earthen / Landscaped Green Roofs
- e. Village Center roofing material will require a class 3 development application and building specific design review. The following roof materials shall be approved by the DRB if the DRB finds the roofing material is consistent with the town design theme and applicable Design Regulations:
 - i. Burnt sienna concrete tile.
 - ii. Earth tones compatible with burnt sienna concrete tile in color and texture.
 - iii. Brown patina copper
 - iv. ~~Standing seam or bonderized metal (dark grey or black) (not rusted)~~ Metal roof material limited to the following: black or gray standing seam, bonderized (not reflective);
 - v. Zinc
 - vi. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).
 - vii. Some variation of roof material color is permissible by specific DRB approval as long as it is contextually compatible in design, color, theme and durability.
- f. Modification to roof materials on dormers and secondary roof forms in the Village Center may be reviewed as a class 1 development application.
 - i. Permitted roof materials are listed in e.i-vii above.
 - ii. ~~bevel edged~~ Rusted metal and/or corrugated ~~(not rusted)~~ metal may be approved so long as it is contextually compatible in design, color, theme and durability.
- g. The following requirements are applicable to all roofing:
 - i. Metal roofing surface shall not reflect an excessive amount of light when viewed against direct sunlight.
 - ii. ~~Unless the DRB grants a specific approval for a non-rusted metal roof, corrugated and standing seam~~ All rusted metal roofing materials shall be pre-treated to produce rusting ~~prior to placement on the roof, and prior to the issuance of a certificate of occupancy.~~
- h. The installation or re-installation of wood shakes, glazed tile and asphalt shingles is prohibited, except for the repair or replacement of roof areas that are 25% or less of the total roof surface area.
- i. Roof flashing, Gutters Downspouts and Similar Hardware:
 - i. In the Village Center, all exposed metal flashing, gutters, downspouts and other roof hardware shall be copper except when structural requirements dictate the use of stronger materials such as for snow fences. The DRB may grant specific approval to allow for metal flashing, gutters, downspouts and other roof hardware as long as its contextually compatible in design, color, theme, material and durability as the approved roofing materials.
 - ii. In all other areas, other metal guttering besides copper may be approved by the review authority to allow it to match roofing material, such as the use of rusty steel guttering on a rusty metal roof.

- iii. When steel or iron are used, they shall be either rusted to match the roof or finished with a baked-on enamel paint or, subject to the prior approval of the review authority, a silicon modified alloy or special epoxy paint system of a color approved by the review authority.

6. Amend Sections 17.4.11 and 17.5.9 to allow for the issuance of a TCO or CO prior to completion of landscaping in certain cases.

Staff Note: The Mountain Village regularly sees construction projects which take more than one building season to complete. Financial institutions or lenders may require the homeowner to obtain a Certificate of Occupancy (CO) rather than a Temporary Certificate of Occupancy (TCO). As currently written, the CDC prohibits the issuance of a CO unless the landscaping has been completed. This proposal would allow for a TCO to be issued upon completion and execution of a development agreement and a CO to be issued upon the completion and execution of a development agreement and the posting of a bond equal to 125% of the contract costs of the incomplete landscaping.

This bifurcated process allows applicants to determine if they need to obtain a CO and post bond, or if a TCO and executed development agreement will suffice, depending on the owners' circumstances.

Chapter 17.4 DEVELOPMENT REVIEW PROCEDURES

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17.4.11: Design Review Process

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E. General Standards:

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- 6. DRB Compliance Inspection. No owner, lessee or their agent or assignee shall apply for a certificate of occupancy (CO), temporary certificate of occupancy (TCO), final building approval or other similar occupancy approvals from the Building Division unless the applicant has received final inspections for compliance conducted by the Planning Division staff, and staff has signed the Building Division inspection card.
 - a. In the event that paving and/or landscaping cannot be constructed without unreasonable delay, a TCO or **CO** may be issued, if the applicant complies with the landscape completion policy in the Design Regulations.

Chapter 17.5 DESIGN REGULATIONS

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17.5.9 Landscaping Regulations

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D. General Landscaping Design Requirements

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- 6. Landscape Completion Policy
 - a. For all development, no certificate of occupancy shall be issued for a project until the landscape and paving are completed in accordance with the approved plans and all construction debris, equipment, material, trailers, fencing and any other construction related items are

- removed from the site to the satisfaction of the Planning Division, except as expressly provided for herein.
- b. ~~A temporary certificate of occupancy (“TCO”)~~ The Community Development Director, at their sole discretion, may allow the Building Division to issue a Temporary Certificate of Occupancy (TCO) ~~may be issued~~ for a project conditioned upon:
 - i. The developer has executed the Town provided development agreement on the property that stipulates the TCO will be revoked if the required improvements are not completed by a date certain, along with acknowledgment from the owner that the Town may levy a daily fine of \$5,000 per day for each day the improvements continue to be incomplete if they are not completed by the date stipulated in the development agreement.
 - ii. All grading, landscaping and paving in the approved landscape plan being completed on or before the next occurring October 1st or such other date approved by the Town, that follows the issuance of such TCO;
 - iii. All other conditions for issuance of a TCO have been met as determined by the Planning and Building Divisions; and
 - iv. A site being cleaned to the satisfaction of the Planning and Building Divisions.
 - c. If the grading, landscaping and paving have not been completed before the next occurring October 1st, or such other time period approved by the town, the Building Division has the right to revoke the TCO. The owner will be in non-compliance with this CDC and subject to the enforcement provisions contained herein.
 - d. The following requirements shall be met for single-family development ~~prior to the issuance of a TCO~~ requesting the issuance of the CO without the completion of landscaping or paving:
 - i. The developer has executed the Town provided development agreement on the property that ~~stipulates~~ stipulated the TCO will be ~~revoked if the~~ required improvements are not shall be completed by a date certain, along with acknowledgment from the owner that the Town may levy a daily fine of \$5,000 per day for each day the improvements continue to be incomplete if they are not completed by the date stipulated in the development agreement. The Community Development Director may require developer provided a cash financial guarantee deposited with the Town in an amount equal to 1 ½ times the amount of the contract price for completion of landscaping and paving.
 - ii. The developer has provided such other information as the Planning Division may reasonably require
 - e. The following requirements shall be met for multi-family, mixed use, commercial or other non-single-family development prior to the issuance of a TCO:
 - i. The developer has provided a signed contract between the contractor and the developer or lot owner for the installation of the landscape and paving in accordance with the approved plans. The contract shall provide a start date and a completion date for the landscaping and paving and shall reference that all work is to be completed in accordance with the approved plans;

- ii. The developer has provided a cash financial guarantee deposited with the Town in an amount equal to 1 ½ times the amount of the contract price for completion of landscaping and paving;
- iii. The developer has provided an executed improvements agreement;
- iv. The developer has provided such other information as the Planning Division may reasonably require; and
- v. No FCO shall be issued until the required contracts, financial guarantee, improvements agreements and other required information have been received, reviewed and approved by the Planning Division with the finding that the contract prices generally reflect typical construction prices in the area.

PART III. Design Review Board Recommendation

The Design Review Board reviewed the proposed amendments at their regular meeting on March 5, 2020, and provided a unanimous (7-0) recommendation on the proposal, with minor modifications as captured within this report, to the Town Council.

PART IV. Findings and Recommended Motion

The Town Council approved on the first reading of an ordinance on the proposed amendment with minor modifications at their May 21, 2020, regular meeting.

Findings:

These amendments are necessary to clarify and conform the CDC and were initiated by the Planning and Development Services Director consistent with CDC Section 17.1.7

Proposed Motion:

If the Town Council determines that the proposed amendments are appropriate then Staff recommends Town Council approval of the proposed amendments with the following motion:

I move to approve on second reading, an ordinance amending the Community Development Code, Chapters 17.3 Zoning and Land Use Regulations, 17.4 Development Review Procedures, and 17.5 Design Regulations, of the Community Development Code with the findings set forth in the staff memo of record dated May 6, 2020.

This motion is based on the evidence and testimony provided at the first reading of an ordinance held on May 21, 2020, with notice of such hearing as required by the Community Development Code.

/jjm

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, CORRECTING ERRORS, PROVIDING CLARIFICATIONS, AND MAKING MINOR AMENDMENTS TO TITLE 17 OF THE COMMUNITY DEVELOPMENT CODE (CDC); CHAPTERS 17.3 ZONING AND LAND USE REGULATIONS, 17.4 DEVELOPMENT REVIEW PROCEDURES, AND 17.5 DESIGN REGULATIONS.

RECITALS

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time to time due to changing circumstances or for general housekeeping purposes. Such an update of the CDC has become necessary for technical corrections, clarifications and consistency.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code, Title 17 is hereby amended and replaced as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on June 18, 2020

Section 5. Public Hearing

~~89~~ Public hearing on this Ordinance was held on the 18th day of June, 2020 in the Town Council

Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of May 2020

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

ATTEST:

By: _____
Laila Benitez, Mayor

Susan Johnson, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 18th day of June 2020.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

ATTEST:

By: _____
Laila Benitez, Mayor

Susan Johnson, Town Clerk

Approved As To Form:

Jim Mahoney, Town Attorney

EXHIBIT A

(Language ~~stricken~~ is deleted; underlined language is new.)

A.1: CDC § 17.3.11 is amended as follows:

Chapter 17.3 ZONING AND LAND USE REGULATIONS
(***)

17.3.11: BUILDING HEIGHT

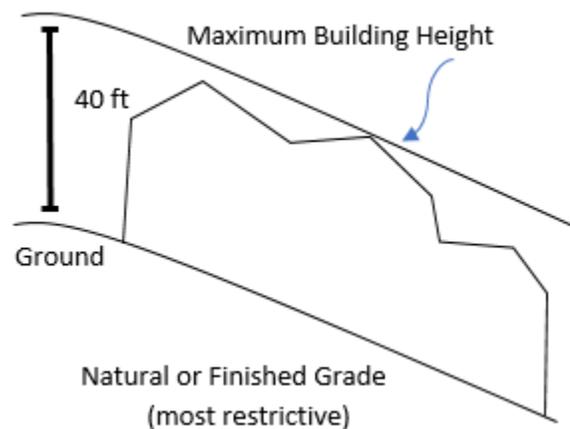
A. General

The Town requires a Building Height and an Average Building Height calculation. The building height requirements of this section shall apply unless other building heights are specified in an approved PUD development agreement or on a recorded plat.

B. Method for Measuring Building Height.

1. The Building Height shall be measured vertically at a right angle to the horizon line from any point on a proposed or existing roof or eave from the highest point on the rooftop, roof ridge, parapet, or topmost portion of the structure (including but not limited to the roofing membrane) to the natural grade or finished grade, whichever is more restrictive, located directly below ~~said point~~ of the highest point of the structure. roof or eaves. A building height calculation is produced for each of the four (4) architectural elevations.
2. On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the building height shall also be demonstrated relative to a plane parallel to and measured vertically from the natural grade or finished grade, whichever is most restrictive, to the maximum building heights established in Table 3-3 of the CDC. No portion of the building may exceed this parallel plane or slope except as otherwise permitted within the CDC. See Figure 3-2-5 below.

Figure 3-2-5. Parallel Plane or Slope Diagram for Single Family Home



3. If the existing pre-construction grade has been disturbed prior to development, the Director of Community Development may accept an estimation of pre-

development topography prepared by a registered land surveyor or civil engineer. The Director may require additional historical documentation, technical studies, reports or other information to establish the natural grade.

4. If the Planning Division determines that there are minor irregularities in the natural grade, these areas shall not be used in determining compliance with the building height limitation set forth herein, and the surrounding typical natural grade shall be used.
5. Window wells and similar building appurtenances installed below grade that extend out five (5) feet or less (as measured from the outside of retaining wall) shall not be counted as the finished grade for the purposes of calculating building height if such features do not add to the perceived height of a building.

C. Method for Measuring the ~~Maximum~~ Average Building Height.

1. The ~~Maximum~~ Average Building Height shall be measured from the natural grade or the finished grade, whichever is more restrictive, to a the point on the roof plane midway between the eave and ridge the highest point on the rooftop, roof ridge, parapet or topmost portion of the structure. An average building height calculation is produced for each of the four (4) architectural elevations. The four (4) height calculations are then averaged to derive the Average Building Height.
2. On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the ~~maximum~~ average building height calculation shall be determined by taking the average of heights at equal intervals around the perimeter of a building. Those intervals shall be no more than twenty (20) feet. When multiple roofs occur within any interval, the height for that interval shall be measured from the finished grade or natural grade (whichever is most restrictive) to the highest point on the rooftop, roof ridge, parapet or topmost portion of the structure ~~a point on the highest primary roof midway between the eave and the ridge.~~ For purposes of determining the maximum average height on complex buildings, a roof shall have a horizontal projection of at least ten (10) feet. This definition does not intend to allow strategies to circumvent the intention of the maximum average height limitation through such relationships as high-rise structures surrounded by low secondary roofs.

C. Plan Submittal Requirements

(***)

1. All development applications subject to the building height limits established by this CDC shall submit the following information to ensure the requirements set forth herein are met:

(***)

- d. Elevation drawings of all facades of a proposed building or structure that show:

(***)

vi. Parallel Plane or Slope Analysis as applicable.

A.2: CDC § 17.3.22 is created and inserted as follows:

17.3.22 Right of Way and Town-Owned Access Tract Encroachment Agreement Requirements.

1. For any new development on a privately owned lot that includes ancillary and associated improvements proposed to be located on or projecting into and/or over right-of-way or Town-owned access tracts, the review authority shall first review, and if approved, require the lot owner to enter into a Revocable Encroachment Agreement with the Town that includes indemnification for the Town from liability that may arise from such encroachments.
2. The Planning Division shall be responsible for referring development applications with ancillary or associated improvement encroachments into the right-of-way or Town-owned access tracts to the Town Public Works Department and Fire Department, as applicable. If it is determined by Town staff that the encroachment is insubstantial, then the Planning Division shall finalize the Revocable Encroachment Agreement with the applicant. If the encroachments are determined to be substantial by Town Staff, the Lot owner shall request approval from Town Council, as a Class 5 application, to allow the encroachments to be approved and for the Lot owner to enter into a Revocable Encroachment Agreement with the Town.
3. The encroachment agreement shall be in form and manner set forth by the Town and shall be recorded in the San Miguel County Clerk and Recorder's Office at the applicant's expense.
4. The encroachment agreement shall be executed and recorded prior to the Final Planning Inspection for any building permit or development permit.
5. In the event the encroachment is pre-existing absent an encroachment agreement, the Town will follow the same procedure outlined in 17.3.22.(2) above.

A.3: CDC § 17.4.3 is amended as follows:

Chapter 17.4 DEVELOPMENT REVIEW PROCEDURES

(***)

17.4.3 DEVELOPMENT REVIEW PROCEDURES

(***)

G. Step 7: Schedule Review Authority Public Hearing

(***)

2. Class 3, 4 and 5 Applications

- a. A public hearing shall be scheduled with the review authority in accordance with this section if the Planning Division determines that a class 3, 4 or 5 development application has met the following public hearing threshold requirements:

(***)

- iv. For Class 3 applications, an Initial Architecture and Site Review hearing has been scheduled prior to the scheduled date for the Final Review public hearing.-

(***)

K. Step 11: Review Authority Action on a Development Application

1. Class 1 or Class 2 Applications.

(***)

- b. The Planning Division's action on class 1 or 2 development applications shall be based on a finding of compliance with the specific requirements of this CDC for the type of development application under review and shall be for approval, conditional approval or denial.
2. Class 3 Applications. The following options are available to the review authority when acting on class 3 development applications:
- (***)
- b. Final Review. After the DRB approves the Initial Architecture and Site Review application a public hearing shall be held on a subsequent agenda. The DRB shall have the following options for action:
 - i. Approval. The DRB shall approve a proposed Class 3 development application if it determines that it meets the applicable requirements and criteria of the CDC.
 - a. The DRB's ~~recommendation~~ of approval of a class 3 development application shall be made by motion, approved by a majority vote of the DRB and recorded in the DRB summary of motions.

A.4: CDC § 17.4.9 is amended as follows:

Chapter 17.4 DEVELOPMENT REVIEW PROCEDURES

(***)

17.4.9.D.6: Rezoning Limitations

(***)

- a. Zoning designations assigned to density within the density bank may be changed to another zoning designation during the Rezoning Process when it is being transferred to a lot.
- b. Workforce housing density may not be rezoned to free market units except with the WHR is lost as provided for in the Zoning and Land Use Regulations.
- c. Workforce housing density assigned to a lot or property has specific requirements as set forth in the workforce housing requirements.
- d. Lots or units subject to the workforce housing restriction may only request a rezoning to change the zoning designation to either: (1) employee apartment, employee single-family, employee condominium or employee dorm; or (2) for whole lots only, the PUD Zone District to allow for a mix of workforce housing and free-market dwellings.
- e. Single-family zoning designations within the density bank may be rezoned to any zoning designation as a part of a rezoning and density transfer development application where the density is being transferred from the density bank to a lot.
- f. Lodge, efficiency lodge, hotel and hotel efficiency zoning designations may not be rezoned to condominium zoning designations.
- g. Rezoning of a condominium unit from residential to commercial, or vice-versa, whether or not there is any change to the exterior of the building, requires a rezoning of the affected unit(s).
- h. Lots outside the Village Center rezoning to any zoning designation with multifamily dwellings may be required to have a transportation plan and may be required to provide certain amenities on site, such as outdoor spa facilities, playgrounds, fitness facilities and/or a common area gathering place as conditions of approval.

- i. In development applications that propose removing density from a Village Center and multi-family lot, the applicant must prove the existence of a practical difficulty that prohibits the build out of the platted density. Financial hardship or expense shall not be considered a practical difficulty for the purpose of this section.
- j. Commercial and industrial density and/or zoning designations shall not be rezoned or converted to any other density ~~since such a~~ unless the change would increase does not result in an increase to the overall Density Limitation.

A.5: CDC § 17.4.11 is amended as follows:

Chapter 17.4 DEVELOPMENT REVIEW PROCEDURES

(***)

17.4.11: Design Review Process

(***)

E. General Standards:

(***)

- 6. DRB Compliance Inspection. No owner, lessee or their agent or assignee shall apply for a certificate of occupancy (CO), temporary certificate of occupancy (TCO), final building approval or other similar occupancy approvals from the Building Division unless the applicant has received final inspections for compliance conducted by the Planning Division staff, and staff has signed the Building Division inspection card.
 - a. In the event that paving and/or landscaping cannot be constructed without unreasonable delay, a TCO or CO may be issued, if the applicant complies with the landscape completion policy in the Design Regulations.

A.6: CDC § 17.5.6 is amended as follows:

17.5.6.C.3: Roof Material

(***)

- c. Permitted roof material outside the Village Center include:
 - i. Metal roof material limited to the following: rusted, black or gray standing seam, bonderized or corrugated metal (not reflective);
 - ii. Zinc;
 - iii. Minimum 1/2" slate; and
 - iv. Copper;
 - (a) Copper shall only be considered when it is proposed with a brown patina finish.
 - (b) The brown patina finish shall be completed prior to issuing a certificate of occupancy.
 - v. Synthetic roofing material that accurately emulates s wood shake, concrete and slate tile or any other roofing material permitted or existing in Mountain Village.
 - (a) Synthetic roofing material shall be:
 - (i) Durable;
 - (ii) High strength, both material and shape;
 - (iii) Low absorption or permeability
 - (iv) High freeze/thaw damage resistance;

- (v) Color throughout the tile (not surface applied); and high quality design that fits within the architectural context of the building and the architectural context of the surrounding area.
- d. The following roofing material outside of the Village Center shall be approved by the DRB as a specific approval that is processed as a class 3 development application if the DRB finds the roofing material is consistent with the town design theme and the applicable Design Regulations:
 - i. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).
 - ii. Earthen / Landscaped Green Roofs
- e. Village Center roofing material will require a class 3 development application and building specific design review. The following roof materials shall be approved by the DRB if the DRB finds the roofing material is consistent with the town design theme and applicable Design Regulations:
 - i. Burnt sienna concrete tile.
 - ii. Earth tones compatible with burnt sienna concrete tile in color and texture.
 - iii. Brown patina copper
 - iv. ~~Standing seam or bonderized metal (dark grey or black) (not rusted)~~ Metal roof material limited to the following: black or gray standing seam, bonderized (not reflective);
 - v. Zinc
 - vi. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).
 - vii. Some variation of roof material color is permissible by specific DRB approval as long as it is contextually compatible in design, color, theme and durability.
- f. Modification to roof materials on dormers and secondary roof forms in the Village Center may be reviewed as a class 1 development application.
 - i. Permitted roof materials are listed in e.i-vii above.
 - ii. ~~bevel edged~~ Rusted metal and/or corrugated ~~(not rusted)~~-metal may be approved so long as it is contextually compatible in design, color, theme and durability.
- g. The following requirements are applicable to all roofing:
 - i. Metal roofing surface shall not reflect an excessive amount of light when viewed against direct sunlight.
 - ii. ~~Unless the DRB grants a specific approval for a non-rusted metal roof, corrugated and standing seam~~ All rusted metal roofing materials shall be pre-treated to produce rusting ~~prior to placement on the roof, and~~ prior to the issuance of a certificate of occupancy.
- h. The installation or re-installation of wood shakes, glazed tile and asphalt shingles is prohibited, except for the repair or replacement of roof areas that are 25% or less of the total roof surface area.
- i. Roof flashing, Gutters Downspouts and Similar Hardware:
 - i. In the Village Center, all exposed metal flashing, gutters, downspouts and other roof hardware shall be copper except when structural requirements dictate the use of stronger materials such as for snow fences. The DRB may grant specific approval to allow for metal flashing, gutters, downspouts and other roof hardware as long as its

contextually compatible in design, color, theme, material and durability as the approved roofing materials.

- ii. In all other areas, other metal guttering besides copper may be approved by the review authority to allow it to match roofing material, such as the use of rusty steel guttering on a rusty metal roof.
- iii. When steel or iron are used, they shall be either rusted to match the roof or finished with a baked-on enamel paint or, subject to the prior approval of the review authority, a silicon modified alloy or special epoxy paint system of a color approved by the review authority.

A.7: CDC § 17.5.9 is amended as follows:

Chapter 17.5 DESIGN REGULATIONS

(***)

17.5.9 Landscaping Regulations

(***)

D. General Landscaping Design Requirements

(***)

1. Landscape Completion Policy

- a. For all development, no certificate of occupancy shall be issued for a project until the landscape and paving are completed in accordance with the approved plans and all construction debris, equipment, material, trailers, fencing and any other construction related items are removed from the site to the satisfaction of the Planning Division, except as expressly provided for herein.
- b. ~~A temporary certificate of occupancy (“TCO”)~~ The Community Development Director, at their sole discretion, may allow the Building Division to issue a Temporary Certificate of Occupancy (TCO) ~~may be issued~~ for a project conditioned upon:
 - i. The developer has executed the Town provided development agreement on the property that stipulates the TCO will be revoked if the required improvements are not completed by a date certain, along with acknowledgment from the owner that the Town may levy a daily fine of \$5,000 per day for each day the improvements continue to be incomplete if they are not completed by the date stipulated in the development agreement.
 - ii. All grading, landscaping and paving in the approved landscape plan being completed on or before the next occurring October 1st or such other date approved by the Town, that follows the issuance of such TCO;
 - iii. All other conditions for issuance of a TCO have been met as determined by the Planning and Building Divisions; and
 - iv. A site being cleaned to the satisfaction of the Planning and Building Divisions.
- c. If the grading, landscaping and paving have not been completed before the next occurring October 1st, or such other time period approved by the town, the Building Division has the right to revoke the TCO. The owner will be in non-compliance with this CDC and subject to the enforcement provisions contained herein.

- d. The following requirements shall be met for single-family development ~~prior to the issuance of a TCO~~ requesting the issuance of the CO without the completion of landscaping or paving:
 - i. The developer has executed the Town provided development agreement on the property that stipulates ~~stipulated~~ ~~the TCO will be revoked if the required improvements are not~~ shall be completed by a date certain, along with acknowledgment from the owner that the Town may levy a daily fine of \$5,000 per day for each day the improvements continue to be incomplete if they are not completed by the date stipulated in the development agreement. The Community Development Director may require developer provided a cash financial guarantee deposited with the Town in an amount equal to 1 ½ times the amount of the contract price for completion of landscaping and paving.
 - ii. The developer has provided such other information as the Planning Division may reasonably require
- e. The following requirements shall be met for multi-family, mixed use, commercial or other non-single-family development prior to the issuance of a TCO:
 - i. The developer has provided a signed contract between the contractor and the developer or lot owner for the installation of the landscape and paving in accordance with the approved plans. The contract shall provide a start date and a completion date for the landscaping and paving and shall reference that all work is to be completed in accordance with the approved plans;
 - ii. The developer has provided a cash financial guarantee deposited with the Town in an amount equal to 1 ½ times the amount of the contract price for completion of landscaping and paving;
 - iii. The developer has provided an executed improvements agreement;
 - iv. The developer has provided such other information as the Planning Division may reasonably require; and
 - v. No TCO shall be issued until the required contracts, financial guarantee, improvements agreements and other required information have been received, reviewed and approved by the Planning Division with the finding that the contract prices generally reflect typical construction prices in the area.



TOWN OF MOUNTAIN VILLAGE
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Item No. 9

TO: Town Council

FROM: Jim Mahoney, Attorney, Kim Montgomery, Town Manager, and Michelle Haynes
Planning and Development Services Director

FOR: Meeting of June 18, 2020

DATE: June 6, 2020

RE: Consideration of Issuance of a Request for Proposals for the Potential Sale of
Village Court Apartments

Introduction

Town Council will consider approving and issuing a request for proposal (RFP) for the potential sale of Village Court Apartments (VCA).

Attachments

- Village Court Apartments, Letter of Offering
- Request For Proposals for Ownership and Operation of Village Court Apartments
- A hyperlink to the RFP and all exhibits can be found [here](#)
- A hyperlink to the electronic data room can be found [here](#)

Background

Over the past few years, the town has received a number of unsolicited offers to purchase Village Court Apartments. The Town Council asked staff and legal to put together what a formal and transparent RFP process in order to determine if the Town should proceed with an RFP.

The RFP process is outlined in the attached proposed draft RFP.

RFP Overview

Some of the high level terms of the RFP include the following:

- The proposed RFP requires VCA to continue to be maintained for qualified employees within the boundaries of the Telluride R-1 School district as required by the complex's 1997 deed restriction, which will remain on the property in perpetuity.
- Any potential buyer would be required to maintain affordable rental rates and they would be tied to fair market rents and average median income.
- The proposed RFP timeline is found on page two (2) of the draft RFP
- If approved the general timeline between issuing the RFP and awarding the RFP is between six (6) and eight (8) months. If Council approves commencing with the issuance of the RFP, it would be issued shortly following the June 18th Town Council meeting.
- Maintenance, communication and operating procedures shall be addressed by the respondents through the RFP process

Recommended Motion

I move to [approve] or [deny] issuance of a request for proposal for the potential sale of the Village Court Apartments consistent with the timeline provided in the draft RFP.

VILLAGE COURT APARTMENTS

LETTER OF OFFERING



A 222-UNIT DEED-RESTRICTED COMMUNITY IN MOUNTAIN VILLAGE, COLORADO

AT A GLANCE

- 11.2 acres situated on two lots
- 220 rental housing units in 13 buildings with:
 - 78 studio units
 - 78 one-bedroom units
 - 52 two-bedroom units
 - 12 three-bedroom units
 - 2 commercial units used as childcare facilities
 - 29 storage units
- Property amenities include:
 - 318 parking spaces
 - administrative offices
 - maintenance shop
 - community garden
 - dog park
 - 9 laundry rooms
- More than \$1 million in capital improvements over past three years

DEVELOPMENT OPPORTUNITY



\$600,000 has been invested in securing land-use entitlements for the addition of 49 units and two buildings to the complex.



The Town of Mountain Village presents the opportunity to own and operate Village Court Apartments, a deed-restricted community in Mountain Village, CO, adjacent to the world-class Telluride Ski Resort.

Village Court Apartments (VCA) is conveniently located within a short walking distance to Mountain Village's grocery store and free gondola system providing transportation to and from Telluride. Residents enjoy ski-in/ski-out access in the winter and direct access to hiking and biking trails in the summer.

Residents can take advantage of Mountain Village's free Sunset Concert Series, qualify for the Farm to Community program and commute to work easily on our free public transit. Families can utilize the onsite daycare facility.

VCA maintained a 98 percent average occupancy rate over the past five years and is currently 99 percent occupied. The property presently carries an active wait list of close to 200 people.

Units are available to income qualified residents with 95 units rent and income-capped between 50-60 percent of area median income (AMI).



VILLAGE COURT APARTMENTS LETTER OF OFFERING



A 222-UNIT DEED-RESTRICTED COMMUNITY IN MOUNTAIN VILLAGE, COLORADO

BUILDING INFORMATION

BUILDINGS	YEAR BUILT	CONSTRUCTION TYPE	SIDING	ROOF ^a	Stories
1-9 ^b	1992	Stick frame	Fiber-cement board	Clay tile	3
10, 11 & 12	2002	Modular	Stone stucco metal flashing	Corrugated-rusted metal	4
14	2006	Modular	Stone stucco metal flashing	Corrugated-rusted metal	4
Maintenance Shop	2012	Stick frame	Wood	Corrugated-rusted metal	2

UNIT TYPE (No income or rent limitations)	NUMBER OF UNITS	SQUARE FOOTAGE	2020 RENTAL RATE	AREA MEDIAN INCOME (AMI) (if applicable) ^{c, f}
Studio	24	351	\$674	
One bedroom	53	525	\$887	
Two bedroom	37	785	\$990	
Three bedroom	11	1075	\$1,288	
UNIT TYPE (Limited to 50% or 60% AMI units)	NUMBER OF UNITS	SQUARE FOOTAGE	2020 RENTAL RATE	AREA MEDIAN INCOME (AMI) (if applicable) ^{c, f}
CDBG ^d studio	40	351	\$674	50% AMI
CDBG studio	14	351	\$674	60% AMI
CDBG one bedroom	19	525	\$887	60% AMI
HOME ^e one bedroom	5	525	\$887	60% AMI
HOME one bedroom	1	525	\$730	50% AMI
CDBG two bedroom	15	785	\$990	60% AMI
HOME three bedroom	1	1075	\$1,222	60% AMI
TOTAL	220			

^a All roofs are gabled.

^b Buildings 1-9 include Mountain Munchkins childcare/preschool and Village Court Apartments office.

^c Income and rent limited units are being charged rent below the 50% and 60% AMI thresholds in all case.

^d Community Development Block Grant.

^e HOME Investment Partnership Programs.

^f AMI's are calculated by HUD and can be found at huduser.gov.

UTILITIES

Landlord-paid	Water, sewer, trash, recycling, Telluride Mountain Village Owners Association dues
Tenant-paid	Electric, cable



VILLAGE COURT APARTMENTS LETTER OF OFFERING



A 222-UNIT DEED-RESTRICTED COMMUNITY IN MOUNTAIN VILLAGE, COLORADO

OPERATING FINANCIALS

Operating Revenues	2018 Actuals	2019 Actuals ⁱ	2020 Budget
Rental income- apartments	\$2,218,060 ⁱⁱ	\$2,246,678 ⁱⁱⁱ	\$2,218, 973 ^{iv}
Rental income- commercial	\$28,488	\$28,488	\$28,488
Rental income- storage units	\$14,874	\$15,235	\$15,280
Bad debt	(\$2,920)	(\$2,658)	(\$7,500)
Other (late payment fees, laundry, cleaning fees, interest)	\$124,701	\$123,532	\$93,850
Total Operating Income	\$2,383,203	\$2,411,276	\$2,349,091
Operating Expenditures			
Office operations	\$188,876	\$200,133	\$222,205
General and administrative ^v	\$105,564	\$112,043	\$130,681
Utilities	\$376,517	\$403,479	\$223,229 ^{iv}
Repairs and maintenance ^{vi}	\$381,500	\$463,251	\$643,043
Contingency	-	-	\$15,050
Total Operating Expenditures	\$1,052,457	\$1,178,906	\$1,234,208
Net Operating Income	\$1,330,746	\$1,232,370	\$1,114,883

ⁱ 2019 Actuals not yet audited.

ⁱⁱ 2018 occupancy was 98.5%.

ⁱⁱⁱ 2019 occupancy was 99.32%.

^{iv} Electricity decreased due to submetering units in 2020, decreasing rents for certain units.

^v Association dues increased 20% in 2019 and 13% more in 2020.

^{vi} Full-time position added to 2020 for landscaping and maintenance supervision.



VILLAGE COURT APARTMENTS LETTER OF OFFERING



A 222-UNIT DEED-RESTRICTED COMMUNITY IN MOUNTAIN VILLAGE, COLORADO



TIMELINE & PROCESS

APPROXIMATE DATES

RFP issued	JUNE 26, 2020
Pre-bid meeting & site inspection	JULY 30, 2020
Deadline for question	AUG. 20, 2020
Submission deadline	OCT. 7, 2020
RFP opening & review by selection committee	OCT. 7 - OCT 22, 2020
Select respondents	OCT 23, 2020
Negotiation period with selected respondents	OCT. 24 - NOV. 20, 2020
Town Council Approval	DEC 10, 2020
Agreement execution	10 DAYS COUNCIL APPROVAL
Transaction closing	30 DAYS AFTER AGREEMENT EXECUTION

Request for Proposals
for
Ownership and Operation of Village Court Apartments

Issued: _____, 2020

Submission Deadline: _____, 2020 5:00 P.M. MST

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E.5. DRB Notice of Action and approved Design Plans dated 7.25.19 entitled thru 1.21.2021

E.6. Bid Construction Document Set (Plans and Project Manual) including five addendums

E.7. Soils Report Addendum dated 9.20.19

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PART 1 – INVITATION AND SUBMISSION INSTRUCTIONS

1.1 Invitation to Respondents

This Request for Proposals (the “RFP”) is an invitation by Town of Mountain Village Housing Authority (the “Town”) for the sale of Village Court Apartments (“VCA”) to a third party with ongoing operational requirements for the successful Respondent as further described in the RFP and Appendixes.

The intended outcomes of this RFP are to ensure that:

- VCA is maintained as affordable housing in perpetuity;
- VCA’s current number of CDBG income limited units are 88 in total with 40 studio units at 50% AMI, 17 studio units at 60% AMI, 13 one-bedroom units at 60% AMI and 18 two-bedroom units at 60% AMI which must be maintained pursuant to the restrictions placed on the VCA property for a previous CDBG grant as further set forth in Appendix G, Exhibit G.2.
- VCA’s 7 HOME units with AMI limitations with 6 one-bedroom units at less than or equal to 60% AMI, 1 three-bedroom unit at less than or equal to 60% AMI, and 1 one-bedroom unit at less than or equal to 50% AMI, which are all located in buildings 10,11 & 12 (See Appendix G, Exhibit G.5).
- VCA’s unit configurations are maintained;
- The Mountain Munchkins daycare units are leased back to the Town on a long-term basis consistent with the existing lease of those spaces.
- The additional units zoned on the VCA property are built by the successful Respondent within a three (3) year period from acquisition of VCA.
- The financial cost associated with operating VCA is removed from the Town;
- VCA is clean, properly landscaped, responsive to tenant concerns and is a place any of us would want our children to live;
- VCA is operated in a financially sustainable manner;
- The selected Respondent operates VCA at rent levels for moderate to lower income level households.
- VCA remains a quality housing option benefiting the region as a sought after affordable housing facility as reflected by the lengthy waitlist.
- VCA continues to be a well-maintained facility through a maintenance plan and covenant the Town can enforce to ensure long-term maintenance.
- New units are added as appropriate to achieve the affordable cost objectives and are integrated into the existing facility.

The development of this RFP has been authorized by the Board for the Town and has been developed by Town staff.

Respondents should apply if they:

- are interested in owning and operating a successful affordable housing complex within the Town of Mountain Village and will maintain VCA for their current housing purpose;

- will maintain current tenancies and waitlists for occupancy at VCA;
- can demonstrate that they will provide quality rental housing;
- will comply with all Town, county and federal requirements for owning, operating and renting units at VCA;
- will commit to achieving excellent levels of tenant satisfaction and regularly engage with current and future tenants;
- can demonstrate a proven track record of working collaboratively with local government on affordable housing initiatives.
- can demonstrate a sustainable business model using rental income generated by VCA to operate the VCA, as well as maintain and update VCA on a go-forward basis so that VCA is positioned as a desirable affordable housing complex in the region;
- will commit to working collaboratively with the Town;
- can demonstrate a strong maintenance program as required by this RFP.
- can demonstrate either an existing local presence or the ability to create a strong local presence and commitment to the community; and
- are prepared to enter into legal agreements with the Town consistent with the terms of this RFP.
- can demonstrate the ability to develop the additional housing at VCA consistent with the additional entitlements.
- can develop a long-term relationship with the Town which may lead to additional opportunities to develop affordable housing with the Town both at VCA and on other properties.

1.2 RFP Contact

For the purposes of this procurement process, the “RFP Contact” will be: Michelle Haynes, Director of Planning and Development Services: 970-417-6976 or mhaynes@mtnvillage.org

Respondents and their representatives are not permitted to contact any employees, officers, agents, elected or appointed officials, or other representatives of the Town, other than the RFP Contact, concerning matters regarding this RFP. Failure to adhere to this rule may result in the disqualification of the Respondent and the rejection of the Respondent’s proposal.

1.3 Type of Contract for Deliverables

The selected Respondent will be requested to enter into direct contract negotiations to finalize an agreement with the Town for the provision of the Deliverables. The terms and conditions found in this RFP are to form the basis for commencing negotiations between the Town and the selected Respondent. It is the Town’s intention to enter into an agreement with one (1) legal entity; however, the Town reserves the right to reject all proposals. Joint proposals will be considered; however, the proposal must identify one (1) Respondent as the lead Respondent.

1.4 RFP Timetable

1.4.1 Key Dates

Issue Date of RFP	June 26, 2020
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Required Pre-Bid Meeting	July 30, 2020
Deadline for Questions	August 20, 2020
Deadline for Issuing Addenda	September 11, 2020
Submission Deadline	October 7, 2020 at 12:00 p.m. local time
RFP opening and review by Selection Committee	Opening October 8, 2020 Review October 9-October 22, 2020
Select Respondents	October 23, 2020
Negotiation Period with selected Respondents	October 24-November 20, 2020
Deadline for Selection of Best and Final Offer (“BAFO”)	November 24, 2020
Council Approval of Agreement Date	December 10, 2020
Execution of Agreement Deadline	10 days after Council Approval Date
Transaction Closing	30 days after Execution of Agreement

The RFP timetable may be amended by the Town by sending notice to all Respondents who attended the Required Pre-Bid Meeting.

1.4.2 Required Pre-Bid Meeting

A Required Pre-Bid Meeting will be held on the date and time set forth in the timetable above. The Required Pre-Bid Meeting shall be held at Mountain Village Town Hall, 455 Mountain Village Blvd, in the Town Council Chambers located on the second floor of Town Hall. The Required Pre-Bid Meeting shall consist of information presented by Town staff and a site walk of VCA, which is a short walk from Town Hall. Please allow for 2 hours for the Required Pre-Bid Meeting. All Respondents must sign in on the sign in sheet at the Required Pre-Bid Meeting in order to be eligible to submit an RFP.

The purpose of the Required Pre-Bid Meeting will be to walk Respondents through the RFP process and for Respondents to view the property.

Verbal responses to questions by the Town during the Required Pre-Bid Meeting are not official and do not modify or form a part of this RFP. Where a question addressed during the meeting results in additional information that should modify or supplement the terms of this RFP, the Town will issue an addendum following the meeting in accordance with the terms of this RFP.

1.5 Submission of Proposals

1.5.1 Proposals to be Submitted at Prescribed Location

Proposals must be submitted via a secure link to be provided to each Respondent at the Required Pre-Bid Meeting.

Submissions by other methods will not be accepted.

1.5.2 Proposals to be Submitted on Time

Proposals must be submitted and finalized on or before the Submission Deadline set out in the RFP Timetable.

It is the Respondents responsibility to submit complete and timely submittals. The Town shall not be responsible for any failure to submit complete and timely submittals for any reason.

1.5.3 Proposals to be Submitted in Prescribed Format

Submission materials should be prepared in the file formats listed under Requested Information.

1.5.4 Amendment of Proposals

Respondents may amend their proposals prior to the Submission Deadline by un-submitting the proposal and re-submitting a revised proposal prior to the Submission Deadline. Amendment of Proposals shall not be allowed after the Submission Deadline.

1.5.5 Withdrawal of Proposals

At any time throughout the RFP process until the execution of a written agreement between the successful Respondent and the Town, a Respondent may withdraw a submitted proposal by sending a written notice of withdrawal to the Town to the RFP Contact and must be signed by an authorized representative of the Respondent.

[End of Part 1]

PART 2 – EVALUATION, NEGOTIATION, AND AWARD

2.1 Stages of Evaluation and Negotiation

The Town will conduct the evaluation of proposals and negotiations in the following stages:

2.2 Stage I – Mandatory Submission Requirements

Stage I will consist of a review to determine which proposals comply with all of the mandatory submission requirements. If a proposal fails to satisfy all of the mandatory submission requirements, the Town will issue the Respondent a rectification notice identifying the deficiencies and providing the Respondent an opportunity to rectify the deficiencies within a period of time set by the Town (the “Rectification Period”). If the Respondent fails to satisfy the mandatory submission requirements within the Rectification Period, its proposal will be rejected. The mandatory submission requirements are set out below.

2.3 Stage II – Evaluation

Stage II will consist of the following stage:

2.3.1 Rated Criteria

The Town will evaluate each qualified proposal on the basis of the non-price rated criteria as set out under Initial Evaluation Criteria herein.

2.4 Stage III – Pricing

Stage III will consist of a scoring of the submitted pricing of each qualified proposal in accordance with the price evaluation method set out herein. The evaluation of price will be undertaken after the evaluation of mandatory requirements and rated criteria has been completed.

2.5 Stage IV – Initial Negotiations and BAFO

2.5.1 Initial Ranking of Respondents

After the completion of Stage III, all scores from Stage II and Stage III will be added together and the Respondents will be initially ranked based on their total scores.

2.5.2 Initial Negotiations and BAFO Process

The Town will notify the top two ranked Respondents of its intent to enter into negotiations with the Respondents. During these negotiations, the Town will provide the selected Respondents with any additional information and will seek further information and proposal improvements from the selected Respondents in order to receive the BAFO from the selected Respondents, which the Town may accept or reject. Negotiations may include requests by the Town for supplementary information from the Respondent to verify, clarify, or supplement the information provided in its proposal or to confirm the conclusions reached in the evaluation, and may include requests by the Town for improved pricing or performance terms from the Respondent. In the event the Town accepts a BAFO, the Town and the selected Respondent shall enter into a final agreement by not later than the Execution of Agreement Deadline.

2.6 Stage V – Final Agreement Negotiations

2.6.1 Failure to Enter into Agreement

If the pre-conditions of award are not satisfied or if the parties cannot conclude negotiations and finalize the agreement by the Execution of Agreement Deadline within the Contract Negotiation Period, the Town may discontinue negotiations with selected Respondents and may invite new negotiations with additional Respondent(s) or the Town may elect to terminate the RFP process at that time.

2.6.2 Contract Under RFP Authorized

Once Negotiations are finalized and a written agreement is recommended by the RFP Selection Committee, the RFP Selection Committee shall refer the matter for Town Council consideration at a publicly noticed and agenda meeting. A written agreement shall not be considered fully approved and binding upon the Town until approved by a majority of Town Council and executed by the Mayor.

2.6.3 Due Diligence Period

The due diligence period will be concluded during the RFP process. During the RFP process the selected Respondent will have the opportunity to assess the property and conduct site inspections for the purpose of completing the following, which is not an exhaustive list:

- building condition assessments;
- environmental assessments;
- geotechnical assessments;
- examination of title;
- review of financial records; and
- review of operating and maintenance records including building condition audits (if any).
- Review of information posted in the electronic data room and any available information requested by Respondents.

No further due diligence will be provided after selection of the BAFO.

2.6.4 Buyer Financing

Proponents should demonstrate the ability to procure the appropriate financing in their RFP submittal; however, the Town recognizes that final financing may not occur until a final agreement is entered into; thus, the transaction can be made conditional on the selected Respondent(s) obtaining financing within the due diligence period. Specific and readily available financing information will be favorably considered including such as commitment letters, demonstration of available cash on hand to finance the project from internally generated funds and other similar demonstrations of financing capability.

2.6.5 Transaction Closing

Once all conditions have been completed or waived, the transaction will close.

[End of Part 2]

PART 3 – TERMS AND CONDITIONS OF THE RFP PROCESS

3.1 General Information and Instructions

3.1.1 Respondents to Follow Instructions

Respondents should structure their proposals in accordance with the instructions in this RFP. Where information is requested in this RFP, any response made in a proposal should reference the applicable section numbers of this RFP.

3.1.2 Proposals in English

All proposals are to be in English only.

3.1.3 No Incorporation by Reference

The entire content of the Respondent's proposal should be submitted in a fixed format, and the content of websites or other external documents referred to in the Respondent's proposal but not attached will not be considered to form part of its proposal.

3.1.4 Past Performance

In the evaluation process, the Town may consider the Respondent's past performance or conduct on previous contracts with the Town or other institutions. The Respondents must provide information on similar projects they have owned and managed if any.

3.1.5 Information in RFP Only an Estimate

The Town encourages all Respondents to conduct their own due diligence in order to verify the information contained in this RFP or issued by way of addenda. Any quantities shown or data contained in this RFP or provided by way of addenda are estimates only and are for the sole purpose of indicating to Respondents the general scale and scope of this RFP. It is the Respondent's responsibility to obtain all the information necessary to prepare a proposal in response to this RFP.

3.1.6 Respondents to Bear Their Own Costs

The Respondents will bear all costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews or demonstrations.

3.1.7 Proposal to be Retained by the Town

The Town will not return the proposal or any accompanying documentation submitted by a Respondent and all such information submitted shall become a public record.

3.1.8 No Guarantee of Contract

The Town makes no guarantee that it will award a contract to any of the Respondents. The Town may terminate this RFP process at any time without awarding a contract to any of the Respondents.

3.2 Communication after Issuance of RFP

3.2.1 Respondents to Review RFP

Respondents should promptly examine all of the documents comprising this RFP and may direct questions or seek additional information in writing by email to the RFP Contact on or before the Deadline for Questions. No such communications are to be directed to anyone other than the RFP Contact. The Town is under no obligation to provide additional information, and the Town is not responsible for any information provided by or obtained from any source other than the RFP Contact. It is the responsibility of the Respondent to seek clarification from the RFP Contact on any matter it considers to be unclear. The Town is not responsible for any misunderstanding on the part of the Respondent concerning this RFP or its process. All questions asked by any Respondent shall be responded to by the RFP Contact to all Respondents who attend the Required Pre-Bid Meeting.

3.2.2 All New Information to Respondents by Way of Addenda

This RFP may be amended only by addendum in accordance with this section. If the Town, for any reason, determines that it is necessary to provide additional information relating to this RFP, such information will be communicated to all Respondents by addendum. Each addendum forms an integral part of this RFP and may contain important information, including significant changes to this RFP. Respondents are responsible for obtaining all addenda issued by the Town.

3.2.3 Post-Deadline Addenda and Extension of Submission Deadline

If the Town determines that it is necessary to issue an addendum after the Deadline for Issuing Addenda, the Town may extend the Submission Deadline for a reasonable period of time.

3.2.4 Verify, Clarify, and Supplement

When evaluating proposals, the Town may request further information from the Respondent or third parties in order to verify, clarify, or supplement the information provided in the Respondent's proposal. The Town may revisit, re-evaluate, and rescore the Respondent's response or ranking on the basis of any such information. The Town will want to reference check with local governments in which the Respondents have or are currently operating similar projects.

3.3 Notification and Debriefing

3.3.1 Notification to Other Respondents

Once an agreement is executed by the Town and a Respondent, the other Respondents may be notified directly in writing and will be notified by public posting of the outcome of the procurement process.

3.4 Conflict of Interest and Prohibited Conduct

3.4.1 Conflict of Interest

For the purposes of this RFP, the term "Conflict of Interest" includes, but is not limited to, any situation or circumstance where:

(a) in relation to the RFP process, the Respondent has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having, or having access to, confidential information of the Town in the preparation of its proposal that is not available to other Respondents; (ii) receiving advice or assistance in the preparation of its response from

any individual or entity that was involved in the development of the RFP; (iii) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process); or (iv) engaging in conduct that compromises, or could be seen to compromise, the integrity of the open and competitive RFP process or render that process non-competitive or unfair.

3.4.2 Disqualification for Conflict of Interest

The Town may disqualify a Respondent for any conduct, situation, or circumstances, determined by the Town, in its sole and absolute discretion, to constitute a Conflict of Interest as defined above.

3.4.3 No Lobbying

Respondents must not, in relation to this RFP or the evaluation and selection process, engage directly or indirectly in any form of political or other lobbying whatsoever to influence the selection of the selected Respondent.

3.4.4 Illegal or Unethical Conduct

Respondents must not engage in any illegal business practices, including activities such as bid-rigging, price-fixing, bribery, fraud, coercion, or collusion. Respondents must not engage in any unethical conduct, including lobbying, as described above, or other inappropriate communications; offering gifts to any employees, officers, agents, elected or appointed officials, or other representatives of the Town; deceitfulness; submitting proposals containing misrepresentations or other misleading or inaccurate information; or any other conduct that compromises or may be seen to compromise the competitive process provided for in this RFP.

3.5 Procurement Process Non-Binding

3.5.1 No Contract and No Claims

This procurement process is not intended to create and will not create a formal, legally binding bidding process and will instead be governed by the law applicable to direct commercial negotiations. For greater certainty and without limitation:

(a) this RFP will not give rise to any contract claim based tendering or any other legal obligations arising out of any process contract or collateral contract; and

(b) neither the Respondent nor the Town will have the right to make any claims (in contract, tort, or otherwise) against the other with respect to the award of a contract, failure to award a contract or failure to honor a proposal submitted in response to this RFP.

3.5.2 No Contract until Execution of Written Agreement

This RFP process is intended to identify prospective Respondents for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service will be created between the Respondent and the Town by this RFP process until the successful negotiation and execution of a written agreement is completed.

3.5.3 Cancellation

The Town may cancel or amend the RFP process without liability at any time.

[End of Part 3]

APPENDIX A – FORM OF AGREEMENT

Agreements and Term Sheets for the following agreements and terms, which will form the basis for commencing negotiations between the Town and the selected Respondent and are to be considered draft forms only:

- Term Sheet (See Exhibit A.1)
- Colorado Real Estate Commission Standard Form Agreement for the Sale and Purchase of Multi Family Residential Property (See Exhibit A.2).
- Addendum to Standard Form Agreement (See Exhibit A.3).

APPENDIX B – SUBMISSION FORM

1. Respondent Information

Please fill out the following form, naming one person to be the Respondent’s contact for the RFP process and for any clarifications or communication that might be necessary.	
Full Legal Name of Respondent:	
Any Other Relevant Name under which Respondent Carries on Business:	
Street Address:	
City, State:	
Postal Code:	
Phone Number:	
Company Website (if any):	
Respondent Contact Name and Title:	
Respondent Contact Phone:	
Respondent Contact Email:	

2. **Bundle(s) Requested:** _____

3. Acknowledgment of Non-Binding Procurement Process

The Respondent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal, legally binding bidding process (and for greater certainty, does not give rise to a Contract A bidding process contract), and that no legal relationship or obligation regarding the procurement of any good or service will be created between the Town and the Respondent unless and until the Town and the Respondent execute a written agreement.

4. Ability to Perform

The Respondent has carefully examined the RFP documents and has clear and comprehensive knowledge of the performance required. The Respondent represents and warrants its ability to perform in accordance with the requirements of the RFP for the rates set out in its proposal.

5. Non-Binding Pricing

The Respondent has submitted its pricing for both the existing units and the expansion units in accordance with the instructions in the RFP and in Pricing (Appendix C) in particular. The Respondent confirms that the pricing information provided is accurate. The Respondent acknowledges that any inaccurate, misleading, or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of its proposal or its eligibility to be the selected Respondent.

6. Addenda

The Respondent is deemed to have read and taken into account all addenda issued by the Town prior to the Deadline for Issuing Addenda.

7. No Prohibited Conduct

The Respondent declares that it has not engaged in any conduct prohibited by this RFP.

8. Conflict of Interest

The Respondent must declare all potential Conflicts of Interest, as defined in the RFP. This includes disclosing the names and all pertinent details of all individuals (employees, advisers, or individuals acting in any other capacity) who (a) participated in the preparation of the proposal; **AND** (b) were employees/members or agents of the Town.

9. Disclosure of Information

The Respondent hereby agrees that any information provided in this proposal, shall become a public record. The Respondent hereby consents to the disclosure of this proposal by the Town as required by the Colorado Open Records Act.

Signature of Respondent Representative

Name of Respondent Representative

Title of Respondent Representative

Date

I have the authority to bind the Respondent.

APPENDIX C – PRICING

1. Instructions on How to Provide Pricing

- (a)** Respondents should provide an offer in US Dollars for the purchase of VCA along with a detailed explanation of financing to be utilized, cash equity, cash flow assumptions and any other information the Respondents used in developing the proforma for operating VCA based on the price submitted.
- (b)** Bids must be provided in US Dollars.

2. Proof of Financing. Respondent shall provide verifiable proof of Respondent's ability to finance the portion of the purchase price which Respondent is financing.

3. Evaluation of Pricing

Pricing is worth 45 points of the Initial Evaluation total score out of 100 total points.

APPENDIX D – RFP PARTICULARS

A. VCA Information Summary

1. VCA Portfolio Summary

VCA is a 222-unit affordable housing apartment complex centrally located in the Town of Mountain Village directly adjacent to Town Hall, the Gondola Parking Garage, the local grocery store and fronting Double Cabin Ski Run. In addition to the unit types listed below, VCA also consists of a two-level maintenance shop, an administrative office and back storage/break room located in building one, 29 rental storage units and 9 pay laundry facilities located in various VCA buildings.

The following table summarizes the unit mix of VCA:

Type	Studio	1 Bed	2 Bed	3 Bed	Daycare Units	Total
Number	78	78	52	12	2 Units	222 Units

Of the unit mix, 88 units have restriction on the rental rate which was imposed through a Community Development Block Grant the Town received for a rehabilitation project in 2011, in the amount of \$744,936 and a Housing Development Fund Grant of \$135,064 (collectively the “CDBG Grant”). For more information on the CDBG Grant agreements and restrictions, which would carry over to any purchaser, please see Appendix G, Exhibit G.2).

Seven units have a rental rate imposed via a “HOME Grant” which was received in 2002 and assisted in the construction of phase II of VCA. The seven units are income limited. See Appendix G, Exhibit G.5 for HOME Grant information.

2. Goals and Intent of VCA

The goal of VCA under the Town’s ownership has been to provide quality housing for low, moderate and middle income individuals and families who are qualified employees within the boundaries of the Telluride R-1 School District as required by the 1997 Town of Mountain Village Deed Restriction (the “97 Deed Restriction”) (See Appendix G, Exhibit G.3). The 97 Deed Restriction would carry over to any future owner of VCA, meaning all tenants at VCA must be qualified employees. The intent is to provide quality housing for the people who make the community and region run as a world class resort destination.

3. VCA Occupancy and Rental Rates.

For the past five years VCA has run at an occupancy rate of ninety-eight percent (98%) with almost all periods of vacancy due to maintenance of units during turnover from one tenant to another. VCA carries an active waitlist of over 198 people who have applied for VCA tenancy. The following are the current rental rates for VCA by unit type:

Studio: \$674 1 Bedroom: \$887 2 Bedroom: \$990 3 Bedroom: \$1,288.

Current Rental Rates and Fees are provided in Appendix H, Exhibit H.5.

B. MATERIAL DISCLOSURES

1. Rent Limitations

The Town intends to record in the Public Records of the San Miguel County Clerk and Recorder's office an additional restrictive covenant on the title to VCA in the form of an Affordable Housing Deed Restriction, which will limit the amount of rent for each unit type that can be charged to VCA tenants relative to area Fair Market Rent ("FMR"). See Appendix J, Exhibit J.1 for form of the Affordable Housing Deed Restriction.

2. Location

A map of the VCA layout is attached as Appendix I, Exhibit I.1.

3. Zoning.

VCA is in the Multi-Family and Active Open Space Zone District.

4. Legal Considerations

The selected Respondent will be required to sign at a minimum the following agreements with the Town:

- a. Term Sheet outlining general terms and conditions of sale.
- b. Colorado Real Estate Commission Standard Form Real Estate Contract.
- c. Addendum to Contract detailing any additional terms and conditions not covered by the Contract.
- d. Assignment of CDBG Grant Agreement and Covenants.
- e. Assignment of HOME Grant Agreement and Covenants.
- f. Acknowledgement of Deed Restrictions.
- g. Maintenance Covenant.
- h. Assignment of Development Rights.
- i. Lease for Mountain Munchkins Day Care.
- j. Master Lease for 4 three-bedroom units and 3 two-bedroom units.

Respondents should provide redline or updated versions of the Term Sheet, Form Contract and Addendum to Contract in their submission.

5. Financial Information Expenses

The Town has provided the Audits, rent rolls and budgets for the past five years in Addendum H, Exhibits H.1-H.4.

6. Capital Expenditures

Building repair and capital expenditures for the past ten (10) years are provided in Appendix I, Exhibit I.1. In addition, the Town is in the process of completing a Building Condition Assessment ("BCA") for each building at VCA and will provide such BCA when complete by addendum to this RFP.

7. Wetlands Delineation

A Wetlands Delineation dated December 8, 2017 is supplied as Appendix E, Exhibit E.4.

8. Maintenance Covenants

All Respondents shall provide their maintenance philosophy and approach that they will take to maintain VCA at a high level of quality. The maintenance philosophy of the selected Respondent would then be expanded upon to create a VCA Maintenance Handbook detailing the standard operating procedures for all facets of maintenance at VCA, which would be adopted by the selected Respondent and the Town. The Town further intends to impose a maintenance covenant upon the property in order to ensure the property is always maintained at a high quality for the future, which will be tied to the VCA Maintenance Handbook.

9. Additional Development Opportunity

The Town has secured additional land use entitlements for the addition of forty-nine (49) units and one flex/office space at VCA. Each Respondent should provide information on how the Respondent would approach finalizing and construction of the additional units including a timeline as to when such additional units could be constructed and brought online by the Respondent. The final agreement may contain a component requiring the construction of such additional units by a certain date subject to certain contingencies to be negotiated between the selected Respondent and the Town based on the information provided by the selected Respondent.

The Town has provided documents related to the zoning and entitlements on the VCA property as part of Appendix E.

There may be additional land at VCA for future expansion beyond the additional forty-nine (49) units identified above.

10. Mountain Munchkins

The Town currently owns and operates the Mountain Munchkins daycare facility which occupies 2, two-bedroom units at VCA and the adjacent outdoor space. The Town would require the selected Respondent to enter into a ten (10) year lease with two ten (10) year options to renew at a rental rate for the two-bedroom units and outdoor space.

11. Town Employee Priority

The selected Respondent will be required to give Town employees and new hires for the Town waitlist priority for any vacant units at VCA.

12. Town Master Lease

The selected Respondent would enter into a master lease agreement for 4 three-bedroom units and 3 two-bedroom units for the allowed rental rate in order to house its critical seasonal employees on an as needed basis.

13. Parking

The selected Respondent would be required to manage and enforce their onsite parking for tenants and would not be permitted to use other Town parking facilities for VCA tenant parking.

14. Section 8 Housing

The Town currently allows for section 8 housing tenants and there are three (3) units under the Section 8 program.

15. Left open for additional items that may need to be included.

C. MANDATORY SUBMISSION REQUIREMENTS

1. Submission Form (Appendix B)

Each proposal must include a Submission Form (Appendix B) completed and signed by an authorized representative of the Respondent.

2. Pricing (Appendix C)

Each proposal must include pricing information that complies with the instructions contained in Pricing (Appendix C).

D. PRE-CONDITIONS OF AWARD

1. Proof of Ability to Purchase and Operate VCA consistent with RFP Requirements

Each Respondent must demonstrate in their proposal their ability to financially purchase VCA at their bid price and to operate VCA consistent with the RFP goals on a long-term basis. This should include a financial summary of the Respondent and a summary of current housing projects which Respondent owns and/or manages.

E. RATED CRITERIA

The following sections set out the categories, weightings, and descriptions of the rated criteria for the RFP.

1. Initial Evaluation Criteria

The following categories, weightings, and descriptions will be used in the initial evaluation of rated criteria during the evaluation process (Evaluations), as described in Part 2 of this RFP. These criteria apply to initial proposals submitted by all Respondents.

Rated Criteria Category	Weighting (Points)
i. Entity, Management and Relevant Experience Qualifications	20 points
ii. Operation Plan, Communication Plan, Asset Management, and Funding Plans	20 points
iii. Best Interest of the Town	15 points
iv. Pricing (See Appendix C for details)	45 points
Total Points	100 points

i. Entity and Management and Relevant Experience Qualifications: – 20 points total

- Provide a description of the Respondent’s mandate, including vision, mission, and objectives,

including board-approved corporate strategic plan or board-approved corporate strategic vision for the next five years; and

- Provide a listing of the Respondent’s Principals, Directors, Manager(s) and key personnel with key credentials, experiences in developing, owning and operating affordable housing projects, and accomplishments.

- Provide proposed organizational chart for the management of VCA. To supplement the organizational chart, provide detail of previous experience of the Respondent's senior management team who are proposed to assist in the managing of VCA, whether internal or external, including, but not limited to, the organization name, title, term of employment, key duties and accomplishments, and educational background; and

Respondents are asked to demonstrate their relevant experience working with tenants of low to moderate income and their demonstrated capacity to manage residential properties in a professional manner in accordance with the requirements of federal, state, or municipal housing programs. Respondents also need to demonstrate their capacity to build additional housing units at VCA. In order to do so, Respondents are asked to provide three (3) project examples. The examples provided should highlight:

- Evidence of the current state of the Respondent’s residential properties, including, but not limited to: physical condition; the existence and number of any Building Code Violations; financing payment record (including mortgage payments, real estate taxes, utility, and water and sewer charges); ability to supervise building employees and maintain appropriate records;

- Evidence of the Respondent’s ability to work with government agencies. Respondents should demonstrate their ability to work successfully with municipalities and other public entities with reference information of such public entities.

- Evidence of an existing local presence in the community or plans to create and maintain a meaningful community presence.

- Ability to expand and build new housing units.

ii. Operation Plan, Communication Plan, Asset Management, and Funding Plans – 20 Points Total

Respondents should provide details of how the Respondent will engage and consult with tenants prior to, during, and after the transfer of the VCA, including a detailed transitional plan and ongoing annual plan for engagement and consultation:

- The plan should also specifically outline how the Respondent will:
 - communicate with tenants regarding issues relating to their tenancy;
 - communicate with tenants regarding issues relating to the VCA tenant community; and
 - consult and/or involve tenants in decision-making, both at a governance level and at a local level.

Provide a community consultation and relations plan with details of how the Respondent will engage with the Town, businesses, suppliers, creditors, partners, and neighbors. Process for responding to tenant requests, Rent Review Policy, Arrears and eviction prevention policy.

Respondents should propose an operational plan, including an ongoing maintenance and capital improvements plan. This should include:

Respondents should provide details of the Respondent's business model for VCA including:

- Clearly articulated funding requirement to achieve maintenance and capital improvements.
- Tenant Turnover plan.
- Common area cleanliness and refurbishment plan including but not limited to the following: landscaping, irrigation, scrubs, flowers, window cleaning, hallway and parking cleaning, snow removal painting and staining.
- Major replacement plan for all major systems.
- Property management plan with resources clearly identified; and
- Office hours and staffing model with plan that demonstrates how the Respondent will adequately staff VCA.

Respondents should provide a completed access plan outlining any target client groups and community partners, how vacant units will be filled, and how tenants will be selected.

Respondents should explain the funding model for the purchase of VCA and the expansion of new units at VCA including any anticipated tax credit or other federal or state local funding assistance.

Respondents should propose an asset management strategy. This should include but not be limited to the following items:

- how the Respondent intends to maintain VCA with 1, 5, 10 and 20 year checkpoints;
- the forecasted annual capital costs and how the capital costs will be funded, either from current income or from financing;
- a policy for capital projects, such as renovations and accessibility modifications; and
- a policy for tenant outreach regarding maintenance and capital projects.

iii. Best Interests of the Town – 15 points.

The Town will assign a weight to the overall proposal and how it meets the overall goals and interest of the Town and its constituents based on the Best Interests of the Town.

iv. Pricing – 45 points – See Appendix C for details.

ALL DOCUMENTS ARE LOCATED ON THE DATA SITE

APPENDIX E - ZONING AND ENTITLEMENTS

Exhibits:

- E.1. Replat of 100R and 1005R dated 2.26.14
- E.2. Topographic Survey including utility locates dated 1.1.2018
- E.3. Geotechnical Engineering Study dated 5.3.18
- E.4. Wetlands Delineation dated 12.8.17
- E.5. DRB Notice of Action and approved Design Plans dated 7.25.19 entitled thru 1.21.2021
- E.6. Bid Construction Document Set (Plans and Project Manual)
- E.7. Soils Report Addendum dated 9.20.19
- E.8. Variance Resolution
- E.9. Variance Notice of Action entitled thru 1.18.2021
- E.10. Ordinance 2017-06 Density, Parking
- E.11. Conditional Use Permit Active Open Space

APPENDIX F – NEEDS ASSESSMENTS

Exhibits:

- F.1. Village Court Apartments Assessment of Need
- F.2. County Needs Assessment

APPENDIX G – EXISTING AGREEMENTS AND ENCUMBRANCES

Exhibits:

- G.1. Fair Energy Service Electrical Submetering Agreement Buildings 1-9
- G.2. CDGB Grant Documents
- G.3. Existing 1997 Deed Restriction
- G.4. Title Commitment dated 12.24.19 (Lot 1005R) and 3.8.19 (Lot 1001R)
- G.5. HOME Grant Documents

APPENDIX H – FINANCIAL INFORMATION

Exhibits:

- H.1. Audits for past five years (more available)
- H.2. Rent Rolls past five years
- H.3. Intentionally omitted
- H.4. Budgets for past five years
- H.5. Rent Rates
- H.6. Property Tax

APPENDIX I – BUILDING CONDITIONS, IMPROVEMENTS AND REPAIRS

Exhibits:

- I.1. List of major repairs and capital improvements for past 10 years
- I.2. Building Assessment/Reserve Study – to be provided when complete
- I.3. VCA Map

APPENDIX J – FUTURE RESTRICTIONS AND OBLIGATIONS

Exhibits:

- J.1. Rent Limitations Covenants
 - J.1.2: Comparison of Existing Rents to FMR (informational only)
- J.2. Maintenance Covenants

APPENDIX K – EMPLOYEE OPERATIONS OVERVIEW

- K.1. Employee Listing
- K.2. Compensation and Benefits
- K.3. Compensation and Benefits Overview



PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Item No. 10

TO: Town of Mountain Village

FROM: Drew Harrington, Building Official & Michelle Haynes, Planning and Development Services Director

FOR: Meeting of June 18, 2020

RE: Discussion Regarding CDC Amendments to Chapter 17.7 Sections 17.7.2-17.7.21, Building Regulations, to Discuss the Adoption of the 2018 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code, the 2018 Edition of the International Plumbing Code (as Adopted by the State with Local Exceptions), the 2020 National Electrical Code (as Adopted by the State with Local Exceptions) the 2018 Edition of the International Fire Code (as Adopted by the Telluride Fire Protection District with Local Exceptions), and the 2018 Existing International Building Code,

Attachments:

- 1) Exhibit A. Redline Building Code Amendments
- 2) Exhibit B. Observations related to building costs
- 3) Exhibit C. An Explanation of Prescriptive versus Performance Methods

Overview

It is typical for communities to update building codes every six years. The Town of Mountain Village is bringing forth building code amendments consistent with the six-year timeframe. We last updated our building codes in 2012. The purpose of the worksession is to share the building code update from 2012 codes to 2018 and 2020 codes with the Town Council and receive direction to adopt updated codes in 2020.

The Town of Telluride, San Miguel County and the Town of Mountain Village have been working towards adopting the same building codes for the past few years. The Town of Telluride just adopted the 2018 code, San Miguel County intends to adopt 2018 codes within the next 12 months, and we are bringing code amendments through consistent with the building department's 2020 work plan. By regional adoption of the same codes (with specific jurisdictional amendments), we will make code compliance, review and submittals easier for the building community. The building community will only have to reference one 2018 code rather than multiple codes, as was the case for all prior years if performing work in Mountain Village, the Town of Telluride and/or San Miguel County.

Review

The Building Official, Planning and Development Services Director and Attorney have collectively reviewed the proposed code updates for your review. Drew Harrington, the MV Building Official,

has also shared the proposed redline for feedback with members of the Building Board of Adjustment and Appeals and regional professionals with positive support.

Approach:

Drew's three-part approach to the building code amendments addresses sensitivity to construction costs, life safety issues, and better-addressing customer and builder complaints with the current adopted codes. We are also capitalizing on the opportunity to have all the western slope building departments on the same code cycle. As referenced above, this has never happened before and will promote consistency and efficiency with local contractors.

Highlighted Proposed Amendments:

Home Energy Rating System (HERS) Requirements

We recommend small changes that could improve construction costs without affecting the energy efficiency of our local homes. Our current adopted HERS ratings are as follows:

- 7000 sq. ft. or less: HERS rating of 60 or lower
- 7000 sq. Ft. to 13,000 sq. ft.: HERS rating of 55 or lower
- 13,000 sq. Ft. and larger: HERS rating of 50 or below

Our suggested edit is as follows:

A prescriptive method may be used for homes 3600 square feet or less with no (HERS) verification prior to issuance of a Certificate of Occpancy (CO). The prescriptive or performance (HERS) method shall be confirmed prior to issuing a building permit. Please see exhibit C that explains the difference between prescriptive and performance method requirements. Performance methods must meet the ratings below:

- (a) 3601 sq. ft to 7000 sq.: HERS rating 60 or lower.
- (b) 7,000 to 13,000 sq. ft.: HERS rating of 55 or lower
- (c) 13,000 feet and larger: HERS rating of 50 or below.

This change will allow the smaller home builder to use the 2018 energy code prescriptive method if they choose too. This would save the cost of a (HERS) rater and if their boiler is under the 200,000 BTU threshold, they would avoid the need for an engineered mechanical system.

The currently adopted 2012 Energy Code had no minimum requirement for Energy Rating Index (HERS), the 2018 Energy Code has added a minimum Energy Rating Index (HERS) which is 61 for climate zone 6 our area.

The Mountain Village has been a leader in Energy Rating Index (HERS) since our 2012 adoption and we are still above the required HERS per the 2018 Energy Code requirements. My hope is that this small reduction in HERS rating requirements will not be viewed as if we do not care about the environment, instead that it be viewed as a way to help the smaller home builders because they can build per the 2018 codes and achieve the necessary rating.

Below are two additions related to the Energy Code:

- 1- We will require two sources of control for all exterior snowmelt systems, and they will be able to choose from Moisture, Temperature, or Time clock controls - this requirement is for Mountain Village and Telluride area.
- 2- We will require timers on all exterior fireplaces or fire pits 60-minute time maximum.

Life safety: Mr. Harrington's suggested changes as follows:

- 1- International Mechanical Code: All sealed combustion venting must be pressure tested prior to concealment. This change addresses new and remodel construction, there have been boiler replacements in our area and telluride that reviled the couplings joining flue piping had never been glued, this has some very serious consequences such as CO being release into homes.
- 2- International fuel and Gas code: Gas fireplaces in sleeping areas must have either a timer, or permanent thermostat to control the main burner operation, shall have a maximum operating time of 1 hour or a maximum temperature setting of 85 degrees. This requirement was added due to an unfortunate incident involving a toddler.
- 3- National Electrical Code: A disconnecting means must be installed no higher than 8' AFF for all exterior deicing systems, the disconnect must be within site of the equipment. This requirement was added for the safety of workers doing snow removal or fire department.
- 4- National Electrical Code: Lighting fixtures located in Bunk Bed areas or furniture sleeping areas must be a completely enclosed light source with non- interchangeable lamps. This code was added due the proximity to combustible linens.

Addressing customer and builder complaints with current adopted codes:

We have had multiple complaints related to the requirement for fire treated timber for all exterior projections such as decks. The fire treated wood is very difficult to source and very expensive. To address this issue have amended the requirement as follows:

Appendages and Projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be protected by one of the following methods: Constructed with either non-combustible materials , heavy timber as specified in the (2018 IBC section 2304.11) or exterior grade ignition resistant materials as specified in the (2018 IBC section 2303.2). Constructed so that all exposed structural members are enclosed with an approved one-hour assembly approved by the Building Official or constructed in coordination with the Planning Department upon approval of a wildfire mitigation plan addressing defensible space criteria provided in CDC Section 17.6.1(A) – Fire Mitigation and Forestry Management. All appendages and projections regardless of method of construction shall provide a cleanable ground surface, as applicable. The fire mitigation approach will require a planning department sign off on the inspection record, prior to framing inspection. . ~~Constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products."~~

This gives the contractors and architects several options to comply.

ICC requirements

We have received multiple complaints asking to allow Handyman to do small projects, the bigger contractors did not have time and were too expensive. To address this issue, I have allowed these non- ICC certified contractors to do small jobs on a limited basis. This program will be watched and adjusted as need be.

Conclusion

The Building Regulations are a Chapter of the Community Development Code. If Town Council is comfortable with the proposed building code adoption and amendments, the next steps would

include a review and recommendation from the Design Review Board and two readings of an ordinance by Town Council.

/dh & mh

Revised 3.6.2020

Chapter 17.7 BUILDING REGULATIONS

17.7.1. GENERAL

- A. All property within the Town of Mountain Village shall comply with the Building Regulations as set forth in this chapter.
- B. The following administrative provisions shall supplement and unless otherwise provided for, supersede the administration and enforcement section, as noted herein, in each of the following codes as adopted in the Building Regulations: The 2018 Editions of the International Building Code (“IBC”), International Residential Code (“IRC”), International Energy Conservation Code (“IECC”), International Mechanical Code (“IMC”), International Fuel Gas Code (“IFGC”), International Property Maintenance Code (“IPMC”), the 2017 Edition of the National Electric Code, NFPA70, (“NEC”), - as adopted by the State of Colorado, International Plumbing Code (“IPC”), as adopted by the State of Colorado, the International Existing Building Code (“IEBC”), and the International Fire Code (“IFC”) as adopted by the Telluride Fire Protection District, (collectively referred to as the “codes”). In instances where the State of Colorado adopts subsequent code updates or amendments to the plumbing or electrical codes, the Town of Mountain Village also adopts the State Codes and exceptions and amendments found with the Building Regulations will survive. Further, the Town of Mountain Village reserves the right to amend and except as needed.

17.7.2. ADMINISTRATIVE PROVISIONS

- A. **Referenced Codes and Standards.** The codes shall be considered part of the requirements of the Building Regulations. Local amendments to the codes are set forth in these Building Regulations.
- B. **Rules of Construction.** Where conflicting regulations exist between the Building Regulations and one of the adopted codes, ~~the most stringent shall apply as determined by the Building Official.~~ the Building Regulations shall apply.
 - 1. Where enforcement of a codes provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.
 - 2. Where the codes or the Building Regulations specify differing materials, methods of construction or other requirements, the ~~most restrictive, applicable requirement~~ Building Official shall reasonably determine which applicable requirement shall govern.
 - 3. Where there is a conflict between the codes’ requirements and/or the Building Regulations, the Building Official is authorized to render interpretations and adopt policies and procedures ~~in order to~~ clarify the application of the Codes' provisions in order to bring the codes into conformance with the Building Regulations. Such interpretations and policies shall not have the effect of waiving requirements specifically provided for in the Building Regulations.
- C. **Building Division** (The following replaces Section R-103.1 of the IRC and IBC, and related sections of the codes)

1. **Administration.** Administration of the Building Regulations falls under the Planning and Development Services Department, Building Division, with the Building Official designated as the code official under these regulations.
2. **Building Official Appointment.** The Building Official shall be appointed by the Community Planning and Development Services Director or its designee in consultation and with the consent of the Town Manager and consultation with the Human Resources Director.
3. **Deputies.** In accordance with the proscribed procedures of this Town and with the concurrence of the appointing authority, the Building Official shall have the ability to recommend to the Community Development Planning and Development Services Director and the Town Manager that the Town appoint inspectors, plan examiners and other employees. Such employees shall have the powers as delegated by the Town.
- ~~3.4.~~ In the absence of the Building Official, the Planning and Development Services Director will appoint a designee and/or will otherwise perform the duties of the Building Official.

D. Building Official Roles and Responsibilities

1. **Duties and Powers of the Building Official.** The Building Official is hereby authorized to:
 - a. Enforce the provisions of the codes and Building Regulations;
 - b. Render interpretation of these codes. Render major interpretations of these codes after consultation with the Planning and Development Services Director and the Town Attorney;
 - c. Adopt policies and procedures ~~in order to~~ clarify the application of the codes and Building Regulations provisions;
 - i. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the codes.
 - ii. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the adopted codes.
 - d. Require that hazardous conditions in violation of the codes be corrected when the Building Official has found that conditions are hazardous to life or property;
 - e. Investigate the cause, origin, and circumstances of any fire, flood, explosion, or any other hazardous condition;
 - f. Require and review plans to ensure compliance with codes;
 - g. Require that whenever any installation is covered or concealed without first obtaining the required permits and inspection the Building Official shall be authorized to require that such work be exposed for inspection;
 - h. Order the immediate evacuation of any building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants;
 - i. Order any electrical, mechanical or plumbing system or portion thereof, that has become hazardous to life, health, property, or has become unsanitary, ~~the Building Official may order that such system either~~ be removed or restored to a safe condition;
 - j. A person shall not use or maintain a defective electrical, mechanical or plumbing system after receiving such notice;
 - k. Waive specific requirements of the Building Regulations or permit alternative methods when it is assured that equivalent objectives can be achieved.
2. **Non-Interference.** Persons shall not interfere with the Building Official carrying out any

duties or functions.

3. **Right of Entry.** When the Building Official or his authorized representative has reasonable cause to believe that a violation of the Building Regulations is likely to exist in a structure or upon a premises and that entry into the structure or upon the premises is necessary to verify the violation, the Building Official or his authorized representative shall first make a reasonable effort to locate the owner or other person having charge or control of the structure, or premises, or portion thereof desired to be inspected, and request consent to enter and inspect. If such person cannot be located or if entry is refused, the Building Official or his authorized representative may seek entry by submitting a sworn affidavit to the proper court of Town, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the structure or premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant if issued by the court. The foregoing provisions of this subsection, notwithstanding, consent to enter or administrative search warrant shall not be required in the following circumstances:
 - a. To conduct inspections during regular business hours under an applied for issued building permit;
 - b. To make observations of the structure or premises in plain view from public property, public rights-of-way, public easements or from portions of the structure or premises which are open or accessible to the public, ~~or~~ in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or when conducting inspections or
 - c. In emergency situations in which the Building Official or his authorized representative has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
4. **Cooperation of Other Officials and Law Officers.** The Building Official may request, and shall receive, the assistance and cooperation of other officials of the Town so far as is required in the discharge of the duties required by the Building Regulations or other pertinent law or ordinance.
5. **Stop Work Orders.**
 - a. If the Building Official finds that work or activity taking place on or within a project is contrary to the Building Regulations, the ~~CDC~~ ~~EDC~~ Community Development Code (“CDC”), the Municipal Code, an adopted Town ordinance (collectively “Town laws”), or in an unsafe or dangerous manner, such work shall be immediately stopped until the situation is resolved and permission is obtained from the Building Official to continue.
 - b. Stop work orders shall require the payment of fees as set forth in the Town Council fee resolution.
 - c. The third issuance of a stop work order due to a violation of the Town laws may result in a suspension or revocation of a Town issued license, including but not limited to the required town issued business license and/or contractor’s license as set forth in these Building Regulations.

17.7.3. PERMITS

- A. Permits.** Where a permitted project involves more than one trade, a licensed general contractor shall be required to obtain the permit, supervise and or employ a qualified individual to supervise the project in accordance with Contractor Licensing Regulations. All licensed subcontractors must otherwise also be listed on the building permit.
- B. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ~~90~~-180 days after issuance. The Building Official is authorized to grant, in writing, extensions of time, for periods not more than ~~90~~-180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Town encourages only one extension; however, an additional extension may be granted at the discretion of the Building Official for good cause shown. For the purpose of this section, work shall be considered suspended or abandoned if the authorized work is not being diligently pursued and advanced to completion. A permit will expire if an inspection was not requested 180 days from the date of the last inspection date approved by the Building Division.
- C. Time Limitation of Permit Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant, in writing, one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- D. Validity of Permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions the Building Regulations or of any other ordinance of the Town. Permits presuming to give authority to violate or cancel the provisions the Building Regulations, the CDC or other ordinance of the Town shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of the structure when in violation of the Building Regulations, the CDC, the Municipal Code or of any other ordinances the Town.
- E. Revocation of License or Permit.** The Building Official shall have the authority to revoke any license, permit or approval issued if any violation of the codes is found upon re-inspection. In the case of any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based and or any attempt to defraud or otherwise deliberately or knowingly falsify records, reports, or applications, or other related activity in violation of the Town of Mountain Village Building Regulations, the CDC, the Municipal Code and ordinances shall be cause for suspension or revocation of all any related licenses, including but not limited to required Town business licenses or contractor licenses, certificates or permits issued by the Town. In addition, any such violation shall be subject to any other criminal or civil penalties.
- F. Open Permits.** If a contractor has failed to call for final inspection to complete the permit process and ~~90~~-180 days has passed without activity then the permit may either be revoked or in the judgment of the Building Official the contractor's license may be put on probation and no further permits allowed for this individual or company until this outstanding permit is completed.

17.7.4. FEES

- A. Building Permit Valuations.** The applicant for a permit shall provide an estimated permit value at the time of work, for which the permit is being issued. Permit valuations shall be based on the use tax valuations set forth in Chapter 3 of the Municipal Code.

B. Payment of Fees. A permit shall not be valid until the fees and use taxes described by law have been paid, nor shall an amendment to a permit be released until the additional fee and use taxes, if any, has been paid. Any payment returned as insufficient funds or cancelled credit card transaction shall be considered unpaid and the applicant shall repay the fees in cash or certified funds prior to any work commencing. Failure to repay fees shall result in a stop work order if a project has already commenced.

C. Plan Review Fees

1. When submittal documents are required by the Building Regulations, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review.
2. The plan review fees specified in this section are separate fees from the permit fees and are a document processing fee and are in addition to the permit fees.
3. When submittal documents are incomplete or changed to require additional plan reviews or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate set forth by ~~the CDC~~the CDC, and/or the Municipal Code, Planning and Development Services Department Fee Schedule (“Fee Schedule”) as applicable.;
~~additional plan reviews, as it is amended from time to time.~~

D. Investigation Fees for Work Without a Permit

1. **Investigation.** Whenever any work for which a permit is required by the Building Regulations has commenced without first obtaining said permit, a special investigation shall be made by the Building Official before a permit may be issued for such work.
2. **Fee.** An investigation fee, in addition to the permit fee or stop work order fee, may be collected whether or not a permit is then or subsequently issued at the discretion of the Building Official. The investigation fee shall be equal to the amount of the permit fee required by the Building Regulations. The minimum investigation fee shall be set forth in the ~~fee resolution~~Fee Schedule.
3. **Compliance with Building Regulations and Refunds.** The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Building Regulations or from any penalty prescribed by law.

E. Stop Work Order Fees ~~(Violation)~~

Stop work order fees shall be as set forth in the ~~fee resolution~~Fee Schedule and or CDC Section 17.1.18, Violations and Penalties, as deemed appropriate by the Building Official.

F. ~~TFPD-Telluride Fire Protection District (“TFPD”) Fees~~

The Telluride Fire Protection District (~~“TFPD”~~) administration and enforcement fees associate with the International Fire Code (IFC) are set forth by the TFPD.

17.7.5 INSPECTIONS

A. All construction or work for which a permit is required shall be subject to inspection by the Building Official or its designee, and all such construction or work shall remain accessible and exposed for inspection purposes until approved. In addition, certain types of construction shall have continuous inspection as specified in the International Building Code Chapter 16, Structural Tests and Special Inspections. Inspections that take place outside normal hours of operation shall pay a fee as set forth in the fee resolution. To avoid inspection delays the permit holder shall post

the inspection card where visible from the street and post the job site address as required by the IFC. The permit holder is responsible for supplying ladders and safe access to the work for inspection.

- B. If, due to excessive workload and manpower limitations, the Building Official is unable to perform a requested inspection during scheduled work hours on the working day following the inspection request, the Building Official may approve, in writing, special inspection reports, contractor certifications, or other satisfactory evidence of the work being completed substantially in compliance with the Building Regulations ~~may be accepted~~ in lieu of the required inspections ~~noted below~~. When approved by the Building Official, trenches, footings or pads inspections of foundation walls and/or grade beams steel reinforcement inspections may be performed by a ~~qualified architect or the~~ engineer of record or an approved third party inspector serving as a special inspector. The Building Official may approve in writing the allowance for written, signed certifications from the contractor performing the work in lieu of the required inspections for damp-proofing, perimeter drain, insulation, and lath and/or wallboard fastening if all or a portion of the work cannot be inspected during scheduled work hours on the working day following the day of the inspection request. In addition to the called inspections specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Regulations.
- C. A re-inspection fee will be assessed for each inspection or re-inspection when such portion of work for which an inspection is called on is not complete or at time of re-inspection the required correction was not made. This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the Building Regulations, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the fee resolution. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
- D. Work requiring a permit shall not commence until the permit holder or an agent of the permit holder has as to allow the Inspector/Building Official to conveniently make the required entries thereon regarding inspection of the work. -
- E. A site-specific soil and/or geologic investigation is required prior to the issuance of a building permit where any new foundations are to be placed. When, in the opinion of the Building Official, certain geologic hazards or constraints, including but not limited to, landslides, rock falls, flash flooding, mudslides, avalanches, subsidence and/or soil creep exist or may exist with respect to a specific building proposal, a soil and/or geologic investigation may be required prior to the issuance of a building permit. Such investigation, when required, shall be documented by submittal to the Building Official of an acceptable written report, which is stamped and signed by a soils engineer and/or an engineering geologist within his field of expertise. Said report(s) shall contain specific recommendations regarding the building location and design. The relationships of: (1) site grading, structural integrity, and drain designs and septic drain fields and (2) geologic hazards or constraints, shall be considered in the report.

A geohazard analysis written report shall be prepared and stamped by a licensed engineer when geohazards are found on the property including and not limited to: slopes over 30%, landslide areas, avalanche areas, potential unstable slopes, rockfall hazard, expansive soils or rock, or floodplain hazard. The Building Official may waive these requirements as warranted, consistent with Section 17.7.11.D.1.(k).

17.7.6 EPLANS REVIEW AND REQUIRED CONSTRUCTION DOCUMENTS

- A. The Building ~~Department~~ Division shall receive all building permit submittal documents electronically, preferably in pdf format ~~pdf~~ or other electronic plans and submittal requirements in accordance with posted e-Plans process submittal requirement and submitted through the Town permitting website ~~Meritage permitting website~~ as set forth by the Building Official.
- B. When the Building Official issues a permit, the reviewed red lined construction documents shall be issued electronically to the permit applicant.
- C. The permittee shall be responsible for providing an official approved plan set on the site of work and shall be open to inspection by the Building Official or his authorized representative. The red-lined job site plan set shall be full size easily legible paper documents.

17.7.7 CERTIFICATE OF OCCUPANCY

- A. **Use and Occupancy.** No building or structure shall be used or occupied, and no permitted change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy ("CO") therefor as provided herein.

- B. **Occupancy**

- 1. **Certificate of Occupancy.** A CO shall be issued by the Building Official as set forth in the codes upon completion of the project and compliance with the Building Regulations, the CDC, and other applicable Town laws.

- a. ~~The A CO shall may be withheld~~ revoked by the Building Official for projects that fall under the Building Regulations that make the structure uninhabitable ~~during the course of~~ during the course of construction.

- 2. **Temporary Occupancy.** The Building Official is hereby authorized and may elect to issue a temporary certificate of occupancy ("TCO") before the completion of the entire work covered by the permit, provided that such ~~portion or portions~~ structure (or portion thereof as in the instance of a multi-family or mixed use building) shall be occupied safely, ~~and~~ there will be no danger to the public, and the applicable provisions of the Building Regulations and CDC are met. The Building Official, in conjunction with the Planning Division staff, shall set a time period during which the TCO is valid. The full CO must be obtained prior to the expiration of the TCO. If the conditions of the TCO are not met and a CO obtained, the right to occupy immediately ceases and the premises shall be vacated. ~~The Building Official require a completion bond to be posted in the amount of one hundred twenty five percent (125%) of the cost of completion in order to ensure completion prior to issuing a TCO.~~ The full CO must be obtained prior to the expiration of the TCO. If the conditions of the TCO have not been met by the set expiration date, the CO may be issued if all life safety related inspections are addressed and a bond is posted in the amount of one hundred twenty five percent (125%) of the cost of completion in order to ensure completion if approved by the Planning Director and the Building Official.

- 2.3. **Certificate of Compliance.** A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents. A certificate of compliance shall be issued in lieu of a CO when such work permitted is not designed for occupancy.

- 3.4. **Completion Certificate.** A completion certificate is issued ~~by request~~ at project completion involving additions, remodels or repair from flood, fire or natural disasters.

17.7.8 BUILDING BOARD OF APPEALS

- A. Name.** The name of this board shall be the Town of Mountain Village Building Board of Appeals (the “Board of Appeals”).
- B. Authority.** The authority of the Board of Appeals is strictly limited to hearing and deciding appeals of administrative orders, decisions or determinations made by the Town of Mountain Village (“Town”) Building Official (“Building Official”) relative to the application and interpretation of all duly adopted Building Codes and Regulation (collectively the “Building Regulations”) . The Building Official shall be an ex officio member of and shall act as secretary but shall have no vote on any matter. The Board of Appeals bylaws for conducting its business are hereby created by Town of Mountain Village Town Council (“Town Council”). The Board of Appeals shall render all decisions in writing with findings in accordance with the adopted bylaws and Building Regulations.
- C. Appeal Procedures.** All appeals of decisions of the Building Official shall be filed in accordance with the applicable Building Regulation and shall be made in writing within seven (7) calendar days of the decision of the Building Official. Failure to file a written appeal within seven calendar days shall preclude the Board of Appeals from hearing any appeal and the decision of the Building Official shall stand as the final administrative decision of the Town.
- D. Appointments and Terms of Office.** The Board of Appeals shall be appointed by the Town Council and shall hold office at its pleasure. Appointments shall serve until they either (a) resign; (b) are no longer qualified; (c) are removed by the Town Council or (d) the Town Council elects to make new appointments to the Board of Appeals. Any member may be removed with or without cause by a majority vote of the Town Council. Any vacancy shall be filled by the Town Council. The Board of Appeals shall consist of five regular members and two alternates. Advertising for appointments will be consistent with the Town Council adopted policy.
- E. Attendance.** To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no current member shall miss more than three meetings in any twelve-month period upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the chair, the member shall be deemed to have resigned, and the Town Council shall appoint a replacement.
- F. Qualifications.** The Board of Appeals shall strive to consist of a minimum of one Colorado licensed electrical contractor, one Colorado licensed plumbing contractor. Preference is given to applicants who have the following types of professional experience: an ICC certified general contractor; certified architect; construction project manager; design professional or engineer. Qualifications include a minimum of five (5) years professional experience in their respective fields.
- G. Officers.** The Board of Appeals shall annually elect a chair from its number who shall preside over all hearings and proceedings. The elected chair shall not serve successive terms. A vice-chair elected annually by the Board of Appeals shall assume the chair's duties in the chair's absence.
- H. Quorum and Voting.** Quorum shall consist of three members, and a decision of a majority of the members shall control. Any absent member may join in a decision after he or she has considered

the evidence presented in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent jurisdiction.

I. Duties.

- 1. Chair.** The chair shall preside at all meetings and shall perform all duties usually incident to the office of Chair and such other duties as may be assigned to him or her from time to time by the Task Force. The Chair shall see to the execution of resolutions, procedures and policies approved by the Task Force.
- 2. Vice Chair.** In the absence or disability of the Chair, the Vice Chair shall have all powers of and shall be subject to all restrictions upon the Chair. The Vice Chair shall perform such duties as shall from time to time be assigned by the Task Force.
- 3. Secretary.** Secretarial duties will be maintained by the Town staff. Secretary responsibilities are as follows 1) to keep minutes of Board meetings and to keep records of the Board.

J. Meetings. The Board of Appeals shall hold an initial organization meeting as called by the chair. Further meetings shall be held as necessary in order to timely hear appeals as called by the Chair or the Building Official.

K. Rules of Order. Unless otherwise specified in these bylaws, the Board of Appeals will follow procedures outline in Robert's Rules of Order, Newly Revised.

L. Meeting Notices. The appointed staff member shall furnish advance notice of all meetings. Staff shall deliver, by the close of business the Friday before the next meeting, minutes of the previous meetings and copies of material to be studied or acted upon, including an agenda, and other items necessary for discussion. Meeting notices may be delivered via email. Meeting notices are also posted at town approved posting areas and on the town's website consistent with town adopted public meeting posting location requirements.

M. Agenda. The appointed staff shall prepare the agenda with input from the Chair, and copies distributed in advance of the meeting. Other items of the agenda shall include but not be limited to disposition of minutes of the previous meeting, which may be distributed and approved via email by the board members due to the potential for long periods between meetings. The minutes and agenda shall be delivered to Board members as needed no later than 7 days in advance of the meeting.

N. Open to the Public. All meetings shall be open to the public, except for executive session as authorized in the Colorado Open Meetings law, C.R.S. 24-6-402.

A. Authority

~~In order to~~To hear and decide appeals of administrative orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Building Regulations, there shall be and is hereby created a Board of Building Appeals ("Board"). The Building Official shall be an ex-officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The Board bylaws for conducting its business shall be created by Town Council. The Board shall be appointed by the Town Council and shall hold office at its pleasure. The Board shall render all decisions in writing with findings in accordance with the adopted bylaws and Building Regulations.

B. Membership Qualifications

~~The Board shall consist of five members, who shall be appointed by the Town Council. To the extent practicable, four members shall be persons qualified by experience and training to judge on matters pertaining to building construction. The Board shall consist of a minimum of, one Colorado Licensed Electrical Contractor, one Colorado Licensed Plumbing Contractor, and three ICC Certified General Contractors. Each shall have a minimum of 5 years of documented experience in their respective area of expertise. Candidates with equivalent experience and education in Design or Construction Management will also be considered.~~

~~C. Appointments and Terms of Office~~

~~Of those initially appointed, two shall be for a term of three years, two shall be for a term of two years, and one shall be for a term of one year. Thereafter, appointments shall be for a three year term. Any member of the Board may be removed with or without cause by a majority vote of the Town Council. Any vacancy occurring on the Board shall be filled for the unexpired term by the Town Council. The Board shall consist of five regular members and two alternates. Applications shall be received, reviewed and appointments made to the Board by the Town Council. Appointments shall serve until they either (a) resign; (b) are no longer qualified; (c) are removed by the Town Council or (d) the Town Council elects to make new appointments to the Board. Any member of the Board may be removed with or without cause by a majority vote of the Town Council. Any vacancy occurring on the Board shall be filled by the Town Council.~~

~~D. Attendance~~

~~To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no Board member shall miss more than three meetings in any twelve month period upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the chair, the Board member shall be deemed to have resigned from the Board, and the Town Council shall appoint a replacement.~~

~~Quorum and Voting~~

~~Quorum shall consist of three members, and a decision of a majority of the members of the Board shall control. Any absent member may join in a decision of the Board after he or she has considered the evidence presented in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent Town law.~~

~~E. Officers~~

~~The Board shall annually elect a chair from its number who shall preside over all hearings and proceedings of the Board. The elected chair shall not serve successive terms. A vice chair elected annually by the Board shall assume the chair's duties in the chair's absence.~~

~~F. Meetings~~

~~The Board shall hold meetings at regularly scheduled intervals, but shall meet at a minimum of two times a year. Minutes shall be kept of all Board proceedings.~~

G. Appeal Procedures

~~All appeals of decisions of the Building Official shall be filed in accordance with the applicable building regulation and shall be made in writing within (7) calendar days of the decision of the Building Official. Failure to file a written appeal within seven calendar days shall preclude the board from hearing any appeal and the decision of the Building Official shall stand as the final administrative decision of the town.~~

~~ALL APPEALS OF ADMINISTRATIVE DECISIONS SHALL BE FILED IN WRITING WITHIN 7 CALENDAR DAYS OF THE DECISION.~~

17.7.9 CONTRACTOR LICENSING REGULATIONS

A. Adoption of Contractor Licensing Regulations: The Town hereby adopts the following standards as the Contractor Licensing Regulations. The purpose of adopting the Contractor Licensing Regulations is to establish regulations that ~~mandate govern~~ and regulate the contracting community in Mountain Village, with the following ~~main-primary~~ purposes:

1. Ensure that construction trades produce high quality buildings and structures;
2. Ensure safe and energy efficient buildings and structures that are built in accordance with the Town adopted International Code Council series of codes and the National Electrical Code;
3. Protect property owners and developers from fraudulent, corrupt and under qualified contractors; and
4. Create a pool of trained and qualified contractors to provide a high level of building service for property owners and developers.

B. Applicability.

The scope of this regulation excludes State of Colorado Plumbing and Electrical Contractors that are licensed and regulated through ~~the state the State of Colorado.~~ Every business, sole proprietor, corporation, building company or individual performing or providing construction related services that is required to obtain a permit by the Building Regulations shall be required to obtain ~~and~~ maintain the required contractor certifications and Town building licenses as set forth in ~~these~~ Contractor Licensing Regulations.

C. Required Contractor Certifications and Building License.

1. The following trades are required to obtain an International Code Council ("ICC") Certification ~~in order for~~ for the Building Official to issue a Town building license ~~to such contractor~~. Only licensed contractors shall be eligible to submit for and obtain a permit as required by the Building Regulations.
 - a. General Contractor (A) Exam ~~in order to~~ ~~be issued~~ permits for structures covered under the IBC;
 - b. General Contractor (B) Exam for light commercial and residential permits issued under the IBC and IRC;
 - c. Residential General Contractor (C) Exam for one-and two-family dwellings permits issued under the IRC;

- d. Master Mechanical Exam for all types of mechanical permits; and
- e. Roofing Contractor Exam for all roofing contractors or subcontractors or roofing permits.

It is the general contractor's and its firm's responsibility to ensure it is obtaining the correct ICC certification prior to applying for any permit. The Building Official may provide guidance on which certification is needed.

2. General Contractor. The following general contractor requirements shall be met:

- a. The general contractor shall be required to be certified and licensed as set forth herein.
- b. Each company must have at least one license holder with the currently adopted ICC Certification that matches their particular tradetrade.
- c. All trades are required to have the current corresponding building code book on site as adopted by the Town which regulates that particular tradetrade.
- d. The Town building license shall be renewed after the Town adopts the updated ICC codes by either ~~(i)~~ re-taking the applicable ICC test on the current code(s); or ~~(ii)~~ achieving .8 hours (equivalent to an ~~8-hour~~ eight (8)-hour class) of continuing education credit, ("CEU") for each code referenced in the Town building license. Previously licensed individuals who are current with their license at the time the new codes are adopted have one (1) year from that date the new code adoption date to obtain the required CEU's to update their Contractors License.

~~3. **Renewal Fee.** The fee to renew a contractor's license as required herein shall be set forth in the fee resolution. The fees shall be used by the Town to offset costs for contractor training classes that may count as a CEU.~~

~~4.3. **Required Town Business Licenses.** All contractors are required to have an active business license with the Town.~~

~~5.4. **Owner-Builder.** Home Owner/Homeowner-Builders that are conducting the building activities ~~themselves, and themselves and~~ subcontracting out small portions of the work are exempt from obtaining a Town building license.~~

- a. ~~An owner-builder shall sign and follow the understand the~~ Town approved Homeowner permit-Contractor Affidavit prior to obtaining a building permit.

~~a-b. An owner-builder is a deed to be a person that will inhabit the SFD home Single Family or detached condominium dwelling as their main primary residence for Two (2) or more years after issuance of a CO. The home may not be for sale or lease. The Town approved homeowner permit affidavit shall include a certification of the same and such affidavit shall be recorded in the records of the clerk and recorder's office for San Miguel County, Colorado. may only obtain permits for their primary residence and verification the property is primary is required. They shall be present at each inspection and schedule an onsite consultation with the building department at least once a month to keep the permit active. is deemed to be a person that will inhabit the SFD home as their main residence Two (2) or more years. The home may not be for sale or lease for a minimum of 2 years from issue of final CO.. The Town approved homeowner permit affidavit shall include a certification of the same and such affidavit shall be recorded in the records of the clerk and recorder's office for San Miguel~~

~~County, Colorado.~~

c. ~~The owner-builder shall be on site on a regular and consistent basis (minimum of oneetwice a week) in order to supervise the project and shall be present for all inspections, required under these Building Regulations and or Codes. No inspections shall occur without the owner-builder on site.~~

d. ~~Contractors and The owner-builders shall not use this section to circumvent these contractor licensing regulations.~~

~~b.e.~~ **Revoking of Building and or Business License.** Notwithstanding any other provision of the Municipal Code~~the CDC, Fthe t~~Town may revoke a ~~T~~Town building, and/or general ~~T~~Town business license due to two or more violations of the Building Regulations. Upon a first and second offense, the Building Official shall notify the offending business and/or individual in writing of the violation. On the third offense, within a ~~five-year~~two-year period, the Building Official may permanently or temporarily revoke the Town building and/or general business license.

D. Insurance requirements of contractors: Each Contractor, tree removal service or landscaping business, doing business in the ~~T~~Town shall have the following minimum insurance coverage:

\$1,000,000 in Employers Liability

~~\$~~2,000,000 General Liability

\$1,000,000 Each Occurrence the Town must be listed as an additional insured on the certificate of issuance.

17.7.10 INTERNATIONAL BUILDING CODE

A. Adoption. The Town of Mountain Village ("Town") hereby adopts and incorporates herein by reference the International Building Code ("IBC"), 201~~82~~ Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. Amendments, Additions and Modifications. The IBC 201~~82~~ Edition is hereby amended ~~in~~ sections: ~~17.01.030 through 17.01.200~~ as follows:

1. **Section 101.** Section 101 of the 2018 IBC is hereby amended as follows:

a. **"Section 101.1, Title.** These regulations shall be known as the ~~IBC~~ "Town of Mountain Village Building Code" and may be cited as such and will be referred to herein as "this code" or "the IBC""

~~2.~~ b. **"Section 101.4.6.1, Energy.** ~~The provisions of the 2012 IECC as set forth herein shall apply to all matters governing the design and construction of building for energy efficiency. If a prescriptive method of compliance is chosen, then the prescriptive requirements of the 2012 IECC shall be followed. If there are conflicts between the codes the more stringent provision will prevail."~~

~~2.~~ **Section 103.1, Creation of Enforcement Agency.** ~~Section 103.1 is hereby amended to read:~~

~~"The Building Division is hereby charged with enforcing the IBC, with the Building Official acting as the code official."~~

2. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the

- administrative provisions set forth herein.
3. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.
 4. **Section A 107.2.5 Exterior balconies and elevated walking surfaces.** Delete in its entirety.
 5. **Section 110.3 Required Inspections:** This section shall be supplemented by adding any required inspections not listed in the IBC with all required inspections posted and requested by the Town of Mountain Village Building Official.
 6. **Section 113 Board of Appeals: –:** Delete and replace with section 17.1.8 of the Building Regulations.
 7. **Section 114 Violations:** Delete in entirety and replace with The Town of Mountain Village adopted Building Regulations, CDC Regulations, CDC Section 17.1.18 Violations and Penalties, Section 17.7.9.D Revoking of Building and or Business License, and the Fee Schedule.
- 4.8. **Definitions, Section 202.** Section 202 of the IBC is amended by inserting the following definitions:
- a) **General Contractor:** The general contractor shall be the main firm or person that contracts with the property owner or developer to undertake a project covered by the Building Regulations that is responsible for ~~and~~ all work on each job site and oversees the subcontracting trades ~~not licensed~~. The General Contractor acts as the agent of the owner, signs all required applications and forms with the Town and grants access for building inspections, pursuant to the Building Regulations.
 - a)b) **High Rise Building.** Amend by replacing with “A building with an occupied floor located more than 65 feet above the lowest level of fire department vehicle access.”
 - b)c) **Qualified Individual:** An individual who has passed the International Code Council test which covers the applicable currently adopted code or has achieved ongoing training updates to the currently adopted codes in the form of a minimum of 8 classroom hours or 8 CEU’s to update their license in accordance with the Contractor Licensing Regulations.”
 - e)d) **Plan Review Fee:** The plan review fee is a document preparation fee applicable to all permits.”
 - e) **Detached:** ~~any A structure removed~~ separated from another structure by separate foundation and exterior siding material from the primary structure by a minimum of six feet (6’) or applicable code required exterior wall separations, whichever is most restrictive. Most stringent shall apply.”

9. Roofing.

“Section 1507.4.3 Metal sheet roof coverings installed over structural decking shall comply with 1507.4.3. The materials used for metal sheet roof coverings shall be amended by deleting: “naturally corrosion resistant or provided with corrosion resistance in accordance with the standards and minimum thicknesses shown in Table 1507.4.3 (2) .”

Table 1507.4.3(1) Metal Roof Coverings: insert: “Rusted Aged metal roofing and flashing shall be allowed with no corrosion protection.”

Section 1507.5.7 Flashing: Roof valley flashing shall be amended by deleting “corrosion resistant metal”.

5.10. Section 1601 General;

~~Insert~~Section 1601.2 is hereby adopted by inserting the following local climatic design conditions:

- a. Ground snow load is 130 lbs. min standard plus elevation per SEAC Guide
- b. Wind speed is 90 MPH 3 sec. wind gust exposure C
- ~~b.c.~~ Climate zone 6B
- ~~e.d.~~ Seismic design class C
- ~~d.e.~~ Frost line depth is 48 inches
- ~~e.f.~~ Weathering is severe
- ~~f.g.~~ Termites are slight to moderate, decay is slight
- ~~g.h.~~ Winter design temp is -15 degrees F
- ~~h.i.~~ Mean annual temperature is 40 deg. F

~~6.11.~~Section 1603. Section 1603 is ~~hereby deleted~~ adopted by inserting the following:

- ~~a.~~ Section 1603. Section 1603 is hereby adopted by inserting the following:
“~~Section 1609, Wind Loads.~~ Buildings, structures and parts thereof shall be designed to withstand a minimum wind load of 90 mph with 3 second gust exposure. ~~Section 1609.1.1 is only for reference since the minimum wind load is established herein.”~~”
- ~~b.~~ Section 1609, Wind Loads. Buildings, structures and parts thereof shall be designed to withstand a minimum wind load of 90 mph with 3 second gust exposure. ~~Section 1609.1.1. is only for reference since the minimum wind load is established herein.”~~”
- ~~14.~~ Section 1613. Section 1613 of the IBC is hereby adopted by inserting the following:
“~~Section 1613.1.~~ Add: Town of Mountain Village is seismic design class C.”Section 1800. Section 1800 of the IBC is hereby amended by inserting the following:

~~7.12.~~ Section 1800. Section 1800 of the IBC is hereby amended by inserting the following:

“**Section 1801.3, Design Water Tables.** The design water table shall be the measurement or prediction of the highest potential elevation of the water table at the building site where such measurement or prediction is based upon a report by a soils engineer or other qualified professional and where the accuracy of such measurement or prediction considers the average annual rain fall or other sources or factors which may influence fluctuations in the water table for the area in which the subject building site is located. In cases where the water table may be artificially lowered, the design water table must be determined subsequent to the sub drain system, funds for maintenance, and individual or group responsibility for on-going maintenance.”

“Section 1805.4.2 Foundation Drain. Amend by inserting: Foundation drains are part of the foundation system. When required by the Building Official, foundation drains shall be designed and / or inspected by a Colorado registered professional engineer, the engineer of record is preferred, or an approved third-party inspector.”

8.13. Appendix A, Employee Qualifications. Section A101 is hereby amended as follows:

“Section A101.4, Termination of Employment. Employees in the position of Building Official, Inspector or Inspector shall be removed from office in accordance with the procedures for removal of employees as set forth by the Town of Mountain Village Employee Handbook.”

9.14. Section Appendix F, Rodent Proofing. Appendix F is a reference standard hereby adopted into the 2018~~2~~ IBC.

~~+1. Appendix I – Patio Covers. Appendix I is a reference standard hereby adopted into the 2012 IBC.~~

~~12. Other Appendices. All other appendices of the IBC not adopted herein are hereby deleted in their entirety.~~

17.7.11 INTERNATIONAL RESIDENTIAL CODE

A. Adoption. The Town of Mountain Village ("Town") hereby adopts and incorporates herein by reference the International Residential Code for One-and Two-Family Dwellings, 2018~~2~~ Edition, ("IRC") published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

1. The 2018 IPC, IMC, ~~NEC~~, IFGC, IFC, and ~~other the currently adopted NEC adopted codes under these Building Regulations~~ shall also apply to construction covered by the IRC.

B. Amendments, Additions and Modifications. The IRC 2012~~8~~ edition is hereby amended as follows:

1. **Section R101.** Section R101 of the ~~2012-2018~~ IRC is amended as follows.

a. **Section 101.1, Title.** These regulations shall be known as the "Town of Mountain Village Building Code" may be cited as such and will be referred to herein as "this code" or as the "IRC".

b. **Section 101.4.6.1, Energy.** The provisions of the 2012~~8~~ IRC shall apply to all matters governing the design and construction of buildings for energy efficiency. The "local energy savings measures" shall be applicable to building or activities covered under the IRC. If a prescriptive method of compliance is ~~chosen~~ chosen, then the prescriptive requirements of the 2018~~2~~ IRC must be followed. If there are conflicts between the ~~codes~~ codes, the more stringent provision will prevail."

c. **Section R IO1.4.1, Appendages and Projections.** Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be ~~constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products.~~ protected by one of the following methods: Constructed with either non-combustible materials, heavy timber as specified in the (2018 IBC section 2304.11) or exterior grade ignition resistant materials as specified in the (2018 IBC section 2303.2). They shall be constructed so that all exposed structural members are enclosed with an approved one hour assembly by the Building Official, or constructed in coordination with the Planning Department upon approval of a wildfire mitigation plan addressing defensible

space criteria provided in CDC Section 17.6.1(A) – Fire Mitigation and Forestry Management. All appendages and projections regardless of method of construction shall provide a cleanable ground surface, as applicable. The fire mitigation approach will require a planning department sign off on the inspection record, prior to the framing inspection.

2. **Section 103.1, Creation of Enforcement Agency.** Section 103.1 is hereby amended to read:

“**Section 103.1, Creation of Enforcement Agency.** The Planning and Development Services Department, Building Division~~Department of Building Safety Building Division,~~ is hereby charged with enforcing the IRC, with the Building Official acting as the code official.”

3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

- ~~4. **Chapter 11, Energy Efficiency Section.** IIII of the IRC is hereby amended by adding the following section:~~

~~“**Section N1101.2.2 International Energy Conservation Code.** All IRC-regulated heated buildings must be built to the IRC chapter 11 energy efficiency requirements and Local Energy Saving Measures as set forth herein. Where conflicts exist the most stringent requirement shall apply.”~~

- ~~5. **Chapter 14, Part 8 Chapters 34-43, Electrical.** Delete chapters 14 34-43 in entirety.~~

- ~~5-6. **M1901.2, Cooking Appliances.** Delete in entirety.~~

- ~~7. **1901.3, Prohibited Location.** Delete in entirety.~~

- ~~6. **Section G2415, Trenches.** Section G2415.13 is hereby amended as follows:~~

~~“**Section G2415, Trenches.** The trench shall be graded so that the pipe has a firm, substantially continuous bearing on the bottom of the trench. Utility lines shall be located 3 feet horizontally away from any other utility lines. Each utility shall be bedded with 6 inches of pea gravel above and below the service line. Trenches shall have warning tape and or tracing wire as required by the Building Official.”~~

8. **Section 107 Inspections and Testing.**

Section 107.2 Required inspections and testing: This section shall be supplemented by adding with all required inspections posted and requested by the Town of Mountain Village Building Official. Some of which are:

DWV pressure test may be by a 10’ head of water or with 5 pounds of air pressure for 15 minutes.

Gas pipe shall be tested with 15 pounds of air pressure for 20 minutes.

Water service line shall be tested with working pressure or 60 lbs. of air for 20 minutes.

Hydronic heat shall be tested with 60 lbs. of air.

9. **Section R112 Board of Appeals:** See -section 178.1.8 of the Building Regulations.

10. **Chapter 2 Definitions:** Replace the definitions below with the following:

a) **“Fire separation distance:** The distance measured from the exterior building face to one of ~~the following~~ the following.

1. The closest ~~interior~~ lot line.
 2. To the centerline of a street, alley, or public way. Adjacent zoned Active or Passive Open Space parcels will be interpreted as a public way for the purposes of determining fire separation distance.”
 3. The required fire separation between two buildings as determined by the fire code as exercised by minimum distance between buildings on the same lot OR executing “no build” easements as necessary when on separate lots.
- b) “General Contractor”: The general contractor shall be the main firm or person that contracts with the property owner or developer to undertake a project covered by the Building Regulations that is responsible for all work on each job site and oversees the subcontracting ~~trades~~-trades. The General Contractor acts as the agent of the owner and signs all required applications and forms with the Town with authority to bind the owner to the terms and conditions of such applications and forms.
 - c) “Heavy Timber”. Wood Columns shall be sawn or glued laminated and shall not be less than 8” in any dimensions. Wood beams and girders shall be of sawn or glued-laminated laminated timber and shall be not less than 6” nominal in width and not less than 10’ nominal in depth.”
 - d) “High Rise Building. Amend by replacing with “A building with an occupied floor located more than 65 feet above the lowest level of fire department vehicle access.”
 - e) “Qualified Individual: An individual who has passed the International Code Council test which covers the applicable currently adopted code or has achieved ongoing training updates to the currently adopted codes in the form of a minimum of 8 classroom hours or 8 CEU’s to update their license in accordance with the Contractor Licensing Regulations.
 - f) Plan Review Fee: The plan review fee is a document preparation fee applicable to all permits.”
 - g) Detached: A structure separated from another structure by separate foundation and exterior siding material by a minimum of six feet (6’) or applicable code required exterior wall separations, whichever is most restrictive.
- 7-11. Amend by inserting: R302.4.1.1.1 Waste and or linen. A shaft enclosure containing a recycling, or waste or linen chute shall not be used for any other purpose and shall be 1-hour fire rated with self-closing doors. Where passing through more than 1 floor an NFPA 13d sprinkler head shall be installed at the top of the shaft. Doors into chutes shall be self-closing. Discharge doors shall be self- or automatic-closing upon the actuation of a smoke detector, except that heat-activated closing devices shall be permitted between the shaft and the discharge room.
12. R302.7 Under-stair protection. Shall be amended to read, Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with 5/8” gypsum board. “Whenever plumbing or mechanical equipment located below a stairway the minimum headroom below the stair shall be 48” and” the walls and soffits within enclosed usable spaces under stairways shall be protected by 1-hour fire-resistance -rated construction or the current fire-resistance rating -of the stairway enclosure.
13. R311.7 Stairways. Amend by inserting decorative or portable ladders such as for built in bunk beds are excluded from any requirements.

14. R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

15. R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with, amend by deleting “Section P2904” amend by inserting “inserting “NFPA 13D.”

16. R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings where the finished habitable space exceeds 3600 square feet, feet and includes conditioned habitable basement area.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

17. R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with, amend by deleting “P2904” amend by inserting “NFPA 13 D.”

18. R904.3 Material specifications and physical characteristics. Roof covering materials shall conform to the applicable standards listed in this chapter. Amend by inserting, “Metal roofing and all associated metal roofing products shall not be required to be corrosion resistant or listed by any agency in the Town of Mountain Village. Where installed, they shall be a minimum of 22 gauge.”

19. “Table N1102.1.2 shall be amended in Climate Zone 6B under wood framed wall R value.

20. Insert: R 29 cavity insulation shall equal the prescriptive requirement of R5+20.

21. N1103.5.1 Circulation Systems. Heated water circulation systems shall be provided with a means of circulation. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Delete “Gravity and thermosyphon circulation systems shall be prohibited.” And insert “Gravity circulation systems shall be allowed and encouraged.”

22. N1103.5.3 Hot Water Pipe Insulation.

Exception 3. Piping-Piping amend by inserting, “shall not be” located outside the conditioned space excluding properly mixed heating systems mixed with Glycol or approved anti-freeze compound installed in heated flooring.

23. M1502.4.6 Length Identification. Where the exhaust duct equivalent length exceeds 35 feet, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. “Delete this section in entirety.”

24. M1503.3 Exhaust Discharge. Domestic cooking exhaust equipment shall discharge to

the outdoors through a duct. The duct shall have a smooth interior surface, shall be airtight, shall be equipped with a backdraft damper and shall be independent of all other exhaust systems. Ducts serving domestic cooking equipment shall not terminate in an attic or crawl space or areas inside the building.

Exception: This exception shall be deleted in entirety.

25. Chapter 22 Special piping and Storage Systems. Delete in entirety

26. Section 1805.4.2 Foundation Drain. Amend by inserting: Foundation drains are part of the foundation system. The design professional shall state in a report whether the foundation drain shall be ~~When required by the Building Official, foundation drains shall be~~ designed and / or inspected by a Colorado registered professional engineer of record.

27. Section G2447 Cooking Appliances. Delete section G2447.2 Prohibited Location and Section G2447.3 Domestic Appliances in entirety.

27.28. Plumbing

a. Section P2303P2503.5.1, Rough Plumbing. Insert the words “Building Sewer and” Delete the words “for piping other than plastic.”

b. Section P2603.5 Freezing. Delete the words “by insulation or heat or both.” Delete the words “12 inches” and insert “48 inches”.

a.c. P2603.5.1 Sewer Depth. Insert the number “48” regarding burial depth.

b.d. Section P2706.1, Waste Receptors. Add: “Waste Receptors used for condensate disposal are permitted in any readily accessible location.”

e. Section P2903.9.3, Fixture Valves and Access. Add: Wall mounted sinks.

f. Section P2904 Dwelling Unit Fire Sprinkler Systems. The design and installation of residential fire sprinkler systems shall be in accordance with NFPA 13D. Amend by Inserting, “no P2904 systems shall be allowed in the Town of Mountain Village.”

g. Section P2911 On Site Non-Potable Water Reuse Systems. Delete in its entirety.

h. Section P2912 Non-Potable Rainwater Collection and Distribution Systems. Delete in its entirety.

i. Section P2913 Reclaimed Water Systems. Delete in its entirety.

j. Section P3001.2 Protection from freezing. Delete the words “by insulation or heat or both.”

e.k. Section P3009 Subsurface Landscape Irrigation Systems. Delete this section in entirety.

d.l. Section P3009, Gray Water Recycling Add: “Gray water may only be used as an effluent for flushing fixtures.”

m. Section P3303.1.3 Electrical. Delete the words “Chapters 34 through 43 and insert the currently adopted NEC”.

n. Chapter 44 Referenced Standards. Insert Current edition of the “NRCA” National Roofing Contractors Association.

28.29. Appendix A. Sizing Capacities of Gas Piping Appendix A is a reference standard hereby adopted into the 2018~~2~~ IRC.

Appendix B. Sizing of Venting Systems Serving Appliances Equipped with Draft hoods, Category 1 Appliances, and Appliances Listed for use and Type B Vents. Appendix B is

- ~~30. Appendix C. Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems: Appendix C is a reference standard hereby adopted into the 2012 IRC.~~
- ~~29. Appendix E. Manufactured Housing Used as Dwellings: Appendix E is a reference standard hereby adopted into the 2012 IRC~~
- ~~31. Appendix G. Swimming Pools, Spas and Hot Tubs: Appendix G is a reference standard hereby adopted into the 2012 IRC.~~
- ~~30. Appendix H. Patio Covers: Appendix H is a reference standard hereby adopted into the 2012 IRC~~
- ~~31. Appendix J. Existing Buildings and Structures: Appendix J is a reference standard hereby adopted into the 2012 IRC~~
- ~~32. Appendix K. Sound Transmission: Appendix K is a reference standard hereby adopted into the 2012 IRC.~~
- ~~33.32.~~ All other appendices of the IRC not adopted herein are hereby deleted in their entirety.

17.7.2 INTERNATIONAL ENERGY CONSERVATION CODE

- A. Adoption.** The Town of Mountain Village ("Town") hereby adopts and incorporates herein by reference as the energy code of the Town of Mountain Village the International Energy Conservation Code, 2018~~2~~ Edition, ("IECC") published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.
- B. Alternative Methodologies.** A developer may propose to meet LEED Gold or higher certification as an alternative methodology to meeting the requirements of this section.
- C. Amendments, Additions and Modifications.** The IECC 2018~~2~~ edition is hereby amended as follows:
- 1. Section 103.1, Creation of Enforcement Agency.** Section 103.1 is hereby amended to read:

"Section 103.1, Creation of Enforcement Agency. The Building Division is hereby charged with enforcing the IECC, with the Building Official acting as the code official."
 - 2. Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.
 - 3. Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.
 - 4. Section C101.1, Title.** Section C101.01, Title is hereby amended as follows:

"Section C101.1, Title. This Code shall be known as the International Energy Conservation Code of the Town of Mountain Village and shall be cited as "this code" or the "IECC"
 - 5. C402.1.1 Low-energy buildings. C402.1.2 Equipment buildings. Insert: These sections shall apply to all buildings regardless of zoning as applicable in the Town of Mountain Village.**
 - 6. C402.5.7 Vestibules. Amend by inserting" This section shall only apply to new commercial buildings."**

2.7. Local Energy Saving Measures

a) **Scope.** The following requirements apply to all new residential construction, remodels, or additions, including without limitation single-family dwellings, multi-family dwellings, and ~~mixed-mixed~~-use developments.

a)b) **Mandatory Requirements.** All projects shall comply with the local energy savings measures as set forth herein.

b)c) **HERS Ratings.**

i. All new detached single-family or detached condominium dwellings shall achieve one of the following Home Energy Rating System (“HERS”) ratings prior to the issuance of a building permit based on the gross floor area of the home. A prescriptive method may be used for homes 3,600 square feet or less with no HERS verification prior to a Certificate of Occupancy. The prescriptive or performance (HERS) method shall be confirmed prior to issuing a building permit. Performance methods must meet the follow HERS ratings outlined below.

- (a) 3,601 sq. ft. to 7,000 sq. ft. : HERS rating of 60 or lower.
- (b) 7,000-001 to 13,000 sq. ft.: HERS rating of 55 or lower
- (c) 13,000-001 feet and larger: HERS rating of 50 or below.

A confirmed HERS rating is required at or before CO for.

Where no exterior snowmelt is included on the project either electrical or gas, the lowest required HERS rating shall be 60.

e)d) **Smart Building Program. (Ordinance 2015-02)** The intent of the Smart Building Program (“Program”) is to reduce the amount of energy and greenhouse gas emissions produced in the community through the promotion of energy efficient designs and building practices.

i. The following incentives are provided to accomplish the intent of the Program:

- (a) **Renewable Energy.** A renewable energy 20% building permit fee discount shall be provided when (1) there is no exterior energy use; and (2) at least 20% of the estimated energy use is offset by a renewable energy source.
- (b) **Roof Design.** Roofs are designed to function in this climate without the need for snowmelt systems and with snow and ice fall safety measures (protected entries)Roofs free of snowmelt systems are eligible for a 20% building permit fee discount. This would apply to new buildings and additions only (the rebate only applies to the portion of the permit that includes new square footage), and designs that meet this requirement must be approved by the Building Official.
- (c) **Exterior Energy Use:** Buildings designed with no exterior energy use elements other than lighting are eligible for an additional 15% building permit fee discount. When this rebate is

awarded, a covenant shall be recorded for the property with the town, acknowledging the acceptance of the owner's forfeit of right to install any exterior energy use items after obtaining the CO for a period of fifty years. If during this period after CO it is found that exterior energy use items are desired by the owner and installed, the awarded rebate pertaining to exterior energy use shall be returned to Mountain Village per the terms of the agreement.

(d) Interior Energy Use HERS Rating: Buildings designed with a HERS rating below 50 are eligible for ~~another building a building~~ permit fee discount. The discount calculation begins at a HERS rating of 50. A new building with a HERS rating of 50 would pay 100% of the building permit fee. The building permit fee would be reduced proportionately with the percentage reduction in the HERS rating. For ~~instance~~~~instance~~, a HERS score of 25 is a 50% reduction in the building permit fee. A HERS score of ~~0~~ 53 would result in a 100% building permit fee discount. HERS ratings can be lowered by either on-site or off-site solar photovoltaic systems. HERS minimum building requirements are listed below.

These ~~three-four~~ (43) owner incentives can be used collectively toward a building permit fee discount. Maximum collective building permit fee discount available with the Program efficient home design is 100% of the building permit fee.

ii. **Exterior Energy Use.** The IECC or accepted performance compliance methods do not address exterior energy use. However, it is the intent of the Program to include all energy use on site in the evaluation of the building's performance regarding energy use. Therefore, the energy required of exterior snowmelt systems, as well as site-built pools and spas must also be offset with renewable energy via the Offset Program (see below).

iii. **Program Scope.** The Program shall apply to site built outdoor, spas, pools and all exterior energy used for snowmelt.

a. **Snowmelt**

(a) All snowmelt ~~systems anywhere~~ on the property shall be offset via the Renewable Energy Mitigation Program (REMP)~~Program~~ except for:

- (i.) Single-family Development: 1,000 square feet of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive and/or code required ~~exit~~ walkways, decks, stairs and landings.
- (ii.) Multi-family, Mixed Use and Commercial Development: 1,000 sq. ft. plus 50 square feet per dwelling unit of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive(s) decks, amenity areas and/or code required exit walkways, stairs and landings.

- (iii) Attached single family units reviewed from the IRC (Duplex and Townhomes). 500 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.
- (iv.) ~~Town-owned~~ Pedestrian routes and plaza areas in the Village Center and other public use areas. provided such areas meet the Design Regulations.
- (v.) Pool deck areas for multi-family or mixed-use hotbed development sites as envisioned in the Comprehensive Plan.

- ~~(b) — Definition of Exempt Snow Melt Area: Tubing installed to melt snow on a deck etc. where the intent is to remove snow from the walkable or drivable area shall be measured per the size of the entire potentially snow melted area. For example if a 10' x 20' deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.~~
- ~~(c) — All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC.~~
- ~~(d) — Hydronic snow melt systems shall have a minimum of R-15 insulation on the non snow melt side.~~

v. **Spas.** Factory built spas (hot tubs) that are in compliance with the current California Energy Commission requirements in section 1604 of title 20 and have a maximum standby energy use of 205 watts per hour are exempt. Spa energy uses above 205 watts per hour adjusted for local climatic conditions are included in renewable energy mitigation offset requirements. Proof that the ~~site-built~~ site-built spa meets this requirement may be provided by a Town engineering consultant, if needed, and will be at the expense of the owner. The owner of said property shall have the option of providing energy from a Town approved renewable energy system, or making payment in lieu, or a combination of both, in order to offset energy used by exterior energy use equipment with renewable energy sources.

vi. **Exterior Pools.** Exterior heated swimming pools must prove compliance with the currently adopted Energy Codes. The Council may waive the need to offset exterior pool heating for projects that are envisioned in the Comprehensive ~~Plan,~~ Plan or may use a portion of the project revenues to pay for part of or all of the energy offset.

vii. **Heated Garages.** Heated garages must prove compliance with the currently adopted Energy Codes. This can be accomplished with a free program known as RES-Check. The garage would be included in the Res-Check calculation with the heated home. The blower door test required as per R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.

~~viii.~~ viii. **Exterior Energy Use Calculation.** The total exterior energy use that must be offset with renewable energy, or payment made as a payment in lieu as allowed in these regulations, will be calculated by the Town Building Official using the Build Smart Exterior Energy Calculation

Spreadsheet (“Spreadsheet”) (Appendix 17-2). The Spreadsheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions. Alternate and creative engineering solutions to reduce exterior energy use are encouraged and may be accepted as an offset method, when approved by the Building Official. The Spreadsheet will be updated regularly according to market fluctuations and may be amended and adopted by the annual Fee Resolution.

ix. **Renewable Energy Credit Calculation.** Renewable mitigation offsets may be produced on-site or off-site and must be approved by the town. On site renewable energy methods receive double credit for offset purposes. For exampleexample, if a town approved renewable energy source such as solar, geothermal heat pump, etc. installed on site produces 4KW then it will get credit for offsetting 8KW of exterior energy use. As new technology or other offsite renewable energy projects come on-line, they may also be considered as approved systems by the Building Official. Where the necessary amount of renewable energy is unattainable on-site, a combination of renewable energy methods may be used.

viii-x. **Payment In-lieu.** The town has the resources and ability to install renewable energy systems on public property or invest in offsite renewable energy systems that will offset exterior energy used in the community. If preferred by the property owner, the Town may accept payment from the owner of the affected property, in lieu of providing energy produced by a Town approved renewable energy system, Or, the town may accept partial payment in lieu from the affected property owner that provides only partial energy produced by a Town approved on-site or off-site renewable energy mitigation system. The owner shall make payment prior to receiving the building permit. The payment in lieu shall be calculated using the Spreadsheet.

viii-xi. **Approved Renewable Energy Systems.** All renewable energy systems proposed as part of the Build Smart Renewable Mitigation Program must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an on- or off –site system. Review of the system by a Town engineering consultant, if needed, will be at the expense of the owner.

(a) On-site renewable energy systems provided to offset exterior energy use will be required to be maintained and operated for the lifetime of the property, through a written agreement with the property owner and a covenant on the property.

(a)(b) Off-site renewable mitigation shall only be approved by the Building Official_ if, through a written agreement: (1) the system is legally tied to the property using exterior energy use with the inability to transfer to another property; and (2) the Town can easily verify at any time the offsite renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the Town’s ability to access renewable energy utility information.

- xii. **Shut-off Timers.** Exterior energy use such as outdoor firepits and exterior gas illumination fixtures shall be required to have timers with a maximum of 60 minutes and shall not have continuously burning pilots. ~~items not mentioned shall be supplied with automatic shutoff timers.~~
- viii. **Appropriation of funds.** All ~~renewable mitigation program~~REMP payments in lieu received by the town shall be deposited into a separate account with the Town to be used for energy reducing town projects and programs that benefit the community. Carbon reducing town projects and programs may be considered as appropriate use of REMP funds with Town Manager approval. ~~offset exterior energy consumption for the benefit of the towns citizens.~~

e) **Engineered Heating Systems.** All detached single-family dwellings with equipment that meets the requirements for commissioning per sub-section N must have engineered heating systems. Where mechanical ventilation is required high efficiency energy recovery ventilators or heat recovery units shall be utilized for this purpose.

f) **Direct Vent Furnace.** When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a furnace, the furnace shall be replaced with a direct vent unit that has a minimum 92 percent AFUE.

g) **Direct Vent Boiler.** When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a boiler, the boiler shall be a direct vent unit that has a minimum 90 percent AFUE.

h) **Prohibition on Electric Heating.** Electric resistance heating shall not be used as the buildings primary heating source.

i) **Fireplaces.** Fireplaces must be EPA or California certified, and have tight fitting gasketed doors. Wood burning fireplaces shall meet the Solid Fuel Burning Device Regulations.

j) **Programmable Thermostats.** Programmable thermostats are required for forced air central heating and cooling systems.

k) **Automatic Exhaust Fan Switches.** Timers, humidistats or motion sensors are required for bath exhaust fans.

l) **Local Insulation Requirements.**

- i. Headers shall be insulated full open depth.
- ii. Framed corners must be capable of being insulated.
- iii. Shaft and knee walls for skylights shall be insulated as exterior walls and provided with adequate backing to support the insulation.

m) **Range Hood Ducting.** Range hoods are required and must be ducted to the exterior.

n) **Mechanical Systems Commissioning and Completion Requirements.** Engineering and commissioning of the mechanical and hot water heating systems

shall be required on all residential where any of the following apply:

- i. The equipment input rating exceeds 200,000 btu.
- ii. The heated water exceeds 210 deg. F
- iii. The heated water or water glycol storage capacity exceeds 120 gallons
Prior to the approval of the final mechanical inspection, the registered design professional shall provide evidence of mechanical systems commissioning and completion of the mechanical system installation to the Building Official.

~~f~~o) **Systems Adjusting and Balancing.** HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the product specifications.

~~g~~p) **Air Systems Balancing.** Each supply air outlet and zone terminal device shall be equipped with a means for air balancing in accordance with the International Mechanical Code. Discharge dampers are prohibited on constant volume fans and variable volume fans with motors of 10 hp (7.35 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp (735 W), fan speed shall be adjusted to meet design flow conditions.

Exception: Fans with fan motor horsepower of 1 hp (735 W) or less.

~~h~~q) **Hydronic Systems.** Balancing. Individual hydronic heating and cooling coils ~~/zones~~ shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be ~~trimmed~~trimmed, or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure or temperature across the ~~pump, or pump or~~ shall have test ports at each side of each pump.

Exceptions: pumps with pump motors of 5 hp (3677 W) or less where throttling results in not greater than 5 percent of the nameplate horsepower draw above that required if the impeller were trimmed.

~~i~~r) **Functional Performance Testing.** Functional performance testing shall be in accordance with the requirements of this section.

~~j~~s) **Equipment.** Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications so that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all specified modes of control and sequence of operation, including under full-load, part-load and all of the following emergency conditions:

- i. Each mode as described in the sequence of operation.
- ii. Redundant or automatic backup mode.
- iii. Performance of alarms.
- iv. Mode of operation upon a loss of power and restoration of power.

~~t~~) **Controls.** HVAC control systems shall be tested to document that control

devices, components, equipment, and systems are calibrated, adjusted and operated in accordance with the approved plans and specifications. Sequences of operation shall be functionally tested to document that they operate in accordance with the approved plans and specifications.

- u) **Economizers.** Air economizers shall undergo a functional test to determine that they operate in accordance with the manufacturer's specifications.
- v) **Acceptance.** Buildings, or portions thereof, shall not pass the final mechanical inspection until such time as the code official has received a final commissioning report from the design professional.
- w) **System Balancing Report.** A written report describing the activities and measurements completed shall be provided.
- x) **Final Commissioning Report.** A complete report, signed and sealed by the registered design professional, documenting that the mechanical and service water heating systems comply with the International Energy Conservation Code, the approved plans and manufacturer's specifications shall be provided to the Building Official.
- y) **Site Built Spas and Pools.** Site built pools and Spas shall be insulated equivalent to current California Energy compliant factory built hot tubs and spas or be offset by a Town approved renewable energy source.

17.7.13 INTERNATIONAL MECHANICAL CODE

A. **Adoption.** The Town of Mountain Village ("Town") hereby adopts and incorporates herein by Reference as the mechanical code of the Town of Mountain Village the International Mechanical Code, 2018~~2~~ Edition, ("IMC") published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. **Amendments, Additions and Modifications.** The IMC 2012~~8~~ Edition is hereby amended as follows:

1. **Section 101.** Section 101 of the IMC is hereby amended as follows:

“**Section 101.1, Title.** These regulations shall be known as the Mechanical Code of the Town of Mountain Village, Colorado, hereinafter referred to as "this code" or the “IMC.”

1. **Section 101.2 Scope.** Delete the following exception in entirety. “Exception: Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the international Residential Code.”

2. **Section 103.1, General.** Section 103.1 is hereby amended to read:

“**Section 103.1, General.** “Section 103.1 is hereby amended to read: The Building Division is hereby charged with enforcing the IMC, with the Building Official acting as the code official.”

3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Section 106.** Section 106 of the IMC is hereby amended as follows:

Section 106.3.1, Construction documents. “A Colorado Licensed Professional Mechanical Engineer shall provide stamped drawings for approval to the Building Official. Exceptions may be allowed at the discretion of the Building Official.”

6. **Section 106.6.2, Fee Schedule.** Insert, “All fees shall be per the Planning and Development Services Fee Schedule.
7. **Section 107.2 Required inspections and testing.** Amend by adding to item 2. “Hydronic piping shall be tested at 60 lbs. air pressure. Amend by adding item 3. Sealed combustion. Amend by adding item 4. PVC vent piping both intake and exhaust installations must be pressure tested with air at 5 PSI for 15 minutes.”
8. **Section 109 Means of Appeal.** Board of Appeals: Delete and replace with section 18.1.817.7.8 of 8 of the Building Regulations.
9. **Section 306.2 Appliances in rooms.** Delete “30” from the exception and insert “not less than 48” high.”
10. **Section 505.3 Exhaust ducts.** Delete exception 1. “Exception 1. In other than groups I-1 and I-2 where installed in accordance with the manufacturer’s instructions and where mechanical and or natural ventilation is otherwise provided in accordance with chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.”
11. **Section 805.6 Decorative Shrouds.** Amend by inserting, “decorative shrouds shall be 3rd party special inspection approved by the appliance installer that the shroud is used on. The installer shall verify the shroud works properly with the appliance.”
12. **Section 917.2 Domestic appliances.** Delete this section in entirety. “Cooking appliances installed within dwelling units and within areas where domestic cooking operations occur shall be listed and labeled as household appliances for domestic use.”
13. **Section 1203.3.4 Solvent-cemented joints.** Amend by inserting, An approved “visible” primer.
14. **Section 1208 Test.1208.1 General.** Shall be amended to read “Hydronic piping shall be tested at 60 PSI. The duration of each test shall be not less than 15 minutes.”
15. **Section 1209.5 Thermal barrier required.** Amend by inserting “Where used as snow melt a minimum of R-15 insulation is required beneath and alongside.”
16. **Appendix A Chimney Connector Pass-Through.** Appendix A is a reference standard hereby adopted into the 2018~~2~~ IMC.
6. ~~Other Appendices. All other appendices of the IMC not adopted herein are hereby deleted in their entirety.~~

17.7.12 **INTERNATIONAL FUEL GAS CODE**

A. **Adoption.** The Town of Mountain Village hereby adopts and incorporates herein by reference as the Fuel Gas Code of the Town, the International Fuel Gas Code, 2018~~2~~ Edition ("IFGC") as published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. **Amendments, Additions and Modifications.** The IFGC, is hereby amended as follows:

1. **Section 101.** Section 101 of the IFGC is hereby amended as follows:

Section 101.1, Title. ~~“These regulations shall be known as the Town of Mountain Village Fuel Gas Code, hereinafter referred to as "this code" or the “IFGC”.”~~

2. Section 101.2 Scope. Delete the following exception in entirety. “Exception: Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.”

3. Section 103.1, General. Section 103.1 is hereby amended to read:

Section 103.1, General. The Building Division, is hereby charged with enforcing the IFGC, with the Building Official acting as the code official.”

~~2.4.~~ **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

6. Section 106.6.2 Fee schedule. Insert, “All fees shall be per ~~The Town of Mountain Village the Planning and Development Services~~ Fee Schedule.”

7. Section 107.2 Inspections and Testing. Amend by inserting under item 2, “gas pipe shall be tested with 15 PSI for 20 minutes. A category 3 or 4 appliance exhaust vent shall be tested at 5 PSI for 15 minutes.”

~~3.8.~~ Section 109 Means of Appeal. Board of Appeals: Delete and replace with section ~~18.117.7.8~~ of the Building Regulations.

9. **Section 401.** Section 401 of the IFGC is hereby amended by inserting the following section:

Section 401.1.2, Underground Installation. Gas service lines shall be separated by 3 feet horizontally of undisturbed or compacted earth from other service lines such as water, sewer, electric and gas.

Exception: The required separation distance shall not apply within the first five feet of the foundation and if the services lines are encased.”

10. Section 406.4.1 Test pressure. Amend by inserting, “The test pressure for gas piping shall be 15 PSI air for 20 minutes”. Where the design gas pressure inside the building is greater than 5PSI the pipe shall be welded and tested at 60 PSI for 20 minutes. Category 3 and 4 appliance exhaust pipes shall be tested at 5 pounds for 15 minutes.”

11. Insert new “Section 409.5.0 Gas Fireplace in Sleeping Room Areas.Timers. A timer, or permanent thermostat shall be provided to control the main burner operation, shall have a maximum operating time of 1 hour and a maximum temperature setting of 85

degrees Fahrenheit. The control for the timer or thermostat shall be in the same room as the gas fireplace.”

12. Section 501.8 Appliances not required to be vented. Delete item 1, “Ranges.”

~~12,13.~~ Appendix A, Sizing and Capacities of Gas Piping. Appendix A is a reference standard hereby adopted into the 2018~~2~~ IFGC.

~~13.~~ Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use and Type B Vents. Appendix B is a reference standard hereby adopted into the 2012 IFGC

14. Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems. Appendix C is a reference standard hereby adopted into the 2018~~2~~ IFGC.

~~14. Other Appendices. All other appendices of the IFGC not adopted herein are hereby deleted in their entirety.~~

17.7.15 INTERNATIONAL PROPERTY MAINTENANCE CODE

A. **Adoption.** The Town of Mountain Village hereby adopts and incorporates herein by reference as the Property Maintenance Code of the Town, the International Property Maintenance Code 2018~~2~~ Edition, ("IPMC") as published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. **Amendments, Additions and Modifications.** The IPMC is hereby amended as follows:

1. **Section 101.1, Title.** These regulations shall be known as the Town of Mountain Village Property Maintenance Code, hereinafter referred to as "this code" or the "IPMC".

10.2. **Section 103.1, General.** Section 103.1 is hereby amended to read:

Section 103.1, General. The Building Division is hereby charged with enforcing the IPMC, with the Building Official acting as the code official.”

~~11.3.~~ **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

~~12.4.~~ **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Section 505.4. Water Heating Facilities.** Delete the words “unless adequate combustion air is provided.”

6. **Section 505.5 Non-potable water reuse systems.** Delete 505.1 and 5.5.5.1 in entirety.

7. **Section 604 Electrical Facilities.** Amend by inserting, “and the latest adopted edition of the NFPA 70 the National Electrical Code.”

8. **Section 111 Means of Appeal.** Board of Appeals: Delete and replace with section ~~187.4~~7.8 of the Building Regulations.

~~13.~~ **Section 103.5, Fees.** Section 103.5 is hereby deleted in its entirety due to the administrative provisions set forth herein.

17.7.16 NATIONAL ELECTRIC CODE

A. **Adoption:** The Town of Mountain Village hereby adopts and incorporates herein by reference as the Electrical Code of the Town, the 2020 National Electrical Code (“NEC”) “also known as NFPA

70 “as published by the National Fire Protection Association Inc, and adopted as the electrical code of the State of Colorado.

- B. The NEC shall be reviewed to be re-adopted as the electrical code for the Town of Mountain Village when the State of Colorado adopts such updated versions as the electrical code for the State of Colorado.
- C. Amendments, Additions and Modifications. “Previous editions and amendments of the National Electrical Code are replaced with the 2017-2020 National Electrical Code which includes” amendments as follows:

- 1. The Building Division is charged with administering and enforcing the provisions of the NEC.

- 2. New Section -Fees. Permit fees shall be based on the Planning and Development Services adopted Fee Schedule and shall supersede and replace any fee schedule adopted by the International Electrical Code or the state of Colorado.

2.3. 200.6 Means of Identifying Grounded Conductors

Amend by inserting:

- (A) Sizes 6 AWG or Smaller. An insulated grounded conductor of 6 AWG or smaller shall be identified by one of the following means:

Amend by deleting items 1-3 and replacing with:

- (1) A continuous white outer finish “for 120-volt ground to ungrounded single phase and three phase systems.”
- (2) A continuous gray outer finish “for 277-volt ground to ungrounded 3 phase systems.”
- (3) Three continuous white “for 120 volts” or gray stripes “for 277 volts” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

- (B) Sizes 4 AWG or Larger. An insulated grounded conductor 4 AWG or larger shall be identified by one of the following means:

Amend by deleting items 1-4 and replacing with:

- (1) A continuous white outer finish “for 120-volt ground to ungrounded single phase and three phase systems.”
- (2) A continuous gray outer finish “for 277-volt ground to ungrounded 3 phase systems.”
- (3) Three continuous white “for 120-volt” or gray stripes “for 277-volt” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

3. 210.5 Identification for Branch Circuits

Amend by deleting section (a) and replace with the following text.

(a) *Means of Identification.* The means of identification shall be by separate color coding, marking tape, tagging, or other approved means. 120 volts to ground shall be color coded Black and Red for single phase and Black, Red, and Blue for 3 phase. 277 volts to ground shall be color coded Brown, Orange, Yellow. The coding shall be top to bottom or left to right.

4. 215.12 Identification for Feeders

Amend by deleting section (a) and replace with the following text.

(a) Means of Identification. The means of identification shall be by separate color coding, marking tape, tagging, or other approved means. 120 volts to ground shall be color coded Black and Red for single phase and Black, Red, and Blue for 3 phase. 277 volts to ground shall be color coded Brown, Orange, Yellow. The coding shall be top to bottom or left to right.

5. Section 300.5 C. Underground Cables and Conductors Under Buildings. Insert, “or manmade structures of concrete, wood etc.

6. **Section 334.40 (B)**

Shall be amended by inserting the following:

(B) Devices of Insulating Material. Self-contained switches, self-contained receptacles, and nonmetallic-sheathed cable interconnector devices of insulating material that are listed “specifically for use in the occupancy group and type of construction installed and installed per installation instructions” shall be permitted to be used without boxes in exposed cable wiring and for repair wiring in existing buildings where the cable is concealed.

Section 408.4B Source of Supply. Amend by deleting.” In other than one-or-two- family dwellings.” All switchboards, switchgear, and panelboards supplied by feeder(s) in other than one-or-two family- dwellings shall be permanently marked to indicate each device or equipment where the power originates and voltage. The label shall be permanently affixed, of sufficient durability to withstand the environment involved, and not be ~~hand written~~handwritten.

~~7. **Section 426.13** Amend by inserting the following: The presents of outdoor electric deicing and snow melting equipment shall be evident by the posting of appropriate caution signs or markings where clearly visible, labeling must include manufacturer of deicing equipment, wattage per foot, location on structure, length per zone. Labeling must be in location of over current devices.~~

~~7.87. **Section 410.16 Luminaires in Clothes Closets** ~~amend~~ Amend by inserting: “Bunk bed and furniture sleeping area locations are required to have completely enclosed light source, with non-interchangeable bulbs.”~~

~~426.21 Amend by inserting the following: Heating element assemblies shall be secured to the surface being heated by identified manufacturer straps. Exposed deicing cables must be secured within 12 inches of power junction box.~~

8. **Section 426.4 Continuous Load.**

Fixed outdoor electric deicing and snow-melting equipment shall be considered as a continuous load. Amend by inserting: “Overcurrent selection - shall be based on manufacturer installation instructions for minimum overcurrent device required to zero-degree-start-up at 0 degrees F and on developed length of heat tape per zone.”

~~9. **Section 426.13** Amend by inserting the following: The presents of outdoor electric deicing and snow-melting equipment shall be evident by the posting of appropriate caution signs or markings where clearly visible, labeling must include manufacturer of deicing equipment, wattage per foot, location on structure, length per zone. Labeling must be in location of over-current devices.~~

10. 426.21 Amend by inserting the following: Heating element assemblies shall be secured to the surface being heated by identified manufacturer straps. Exposed deicing cables must be secured within 12 inches of power junction box.

11. 426.50 Amend by inserting the following: Where accessible to the user of the equipment, no more than 8 'AFF and within site of the equipment.

12. Section 695.1 Scope (A) Covered.

Amended by inserting the following:

“(C) NFPA 13 D Residential water pump motors where amended.”

13. —Section 695.6 (A) Supply Conductors Section (1)

Shall be amended by adding the following:

“Supply Conductors for residential on site NFPA 13d sprinkler system pumps shall be physically routed outside the building. The conductors’ pumps and associated equipment shall be protected from potential damage by fire and protected from physical damage. Raceways where entering the building into the water pump room shall be EMT, IMC, or GRC and installed no higher than 3’ above the finished floor. All Boxes shall have threaded hubs. Motor whips shall be flexible metal conduit, liquid tight flexible metal conduit or type MC Cable.”

17.7.17 INTERNATIONAL PLUMBING CODE

A. Adoption. There is hereby adopted and incorporated herein by reference as the plumbing code of the Town of Mountain Village, the International Plumbing Code ("IPC"), 2018² Edition, published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. Amendments, Additions and Modifications. The International Plumbing Code, 2018² Edition is hereby modified as follows:

1. Section 101. Section 101.1 of the IPC is hereby modified to read as follows:

“**Section 101.1, Title.** Section 101.1 of the IPC is hereby modified to read as follows:
“These regulations shall be known as the International Plumbing Code of the Town of

Mountain Village, hereinafter referred to as "this code" or the “IPC”

2. “Section 103.1, General. The Building Division is hereby charged with enforcing the IPC, with the Building Official acting as the code official.”

3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. Section 106.6 Fees. Permit fees shall be based on the Planning and Development Services adopted Fee Schedule and shall supersede and replace any fee schedule adopted by the International Plumbing Code or the state of Colorado.

6. Section 109 Means of Appeal. Board of Appeals: Delete and replace with section-17.7.8 of the Building Regulations.

7. Section 305.4 Freezing. Amend by deleting “by insulation”.
8. Amend by inserting “Heating piping shall not be located outside the conditioned space excluding properly mixed heating systems mixed with Glycol or approved anti-freeze compound installed in heated flooring or grade level snowmelt.”
- 3.9. Section 305. Section 305 of the IPC is hereby amended as follows:

“~~Section 305.6.1 Sewer~~305.6.1 Sewer Depth. Private sewage disposal systems are prohibited in the town. Building sewers shall be a minimum of 6 feet below grade.”
10. Section 312.3, Drainage and Vent Air Test. Section 312.3 of the IPC is hereby amended as follows:

11. “Section 312.3 Drainage and Vent Air Test. The sentence “Plastic piping shall not be tested using air” shall be deleted.
12. Section 312.5 Water Supply system test. Amend by deleting the sentence “for piping systems other than plastic,” delete “50 PSI” and insert “60 PSI.”
13. Section 502.5 Clearances for maintenance and replacement. Shall be amended to read, “Appliances shall be provided with access for inspection, service, repair and replacement without disabling the function of a fire-resistance-rated assembly or removing permanent construction, other appliances or any other piping or ducts not connected to the appliance being inspected, serviced, repaired or replaced. A level working space not less than 36” in length, 30 inches in width and 48” in height shall be provided in front of the control side to service an appliance.”
14. Section 603.2 Separation of Water Service and Sewer. Delete the following, “Where water service piping is in the same trench with the building sewer, such sewer shall be constructed of materials listed in Table 702.2. Where the building sewer piping is not constructed of materials listed in Table 702.2.”
15. Section 606.2 Location of shutoff valves. Amend by inserting, 1. On the fixture supply to each plumbing fixture other than “wall hung sinks”, bathtubs and showers.

Section 607.2 Hot or tempered water supply to fixtures. Shall be amended to read, “The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 200 feet where minimum of R-3 insulation is installed to insulate the piping. Recirculating system piping and heat-traced piping shall be sources of hot or tempered water.”
4. ~~Section 708.~~ Section 708 of the IPC is hereby amended as follows:

“~~Section 708.3 Where Required.~~ A minimum of one clean out shall be located outside the building within 10 feet of the outside foundation wall and in accordance with Sections 708.3.1 through 708.3.6.”
5. ~~Section 904.~~ Section 904 is hereby amended as follows:

~~“Section 904.1, Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 36 inches above the roof.”~~

~~6.16. Appendix E, Sizing of Water Piping. Adopt entire Appendix E.~~

~~17. Appendix F, Structural Safety. Adopt entire Appendix F.~~

~~7. All other appendices of the IPC not adopted herein are hereby deleted in their entirety.~~

15.01.180 INTERNATIONAL EXISTING BUILDING CODE

A. **Adoption.** There is hereby adopted and incorporated herein by reference as the Existing Building Code of the Town of Mountain Village, the International Existing Building Code ("IEBC"), 201~~28~~ Edition, published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. **Amendments, Additions and Modifications.** The International Existing Building Code, 201~~82~~ Edition is hereby modified as follows:

1. 101. Section 101 of the IEBC is hereby modified to read as follows:

“Section 101.1, Title. these regulations shall be known as the International Existing Building Code of the Town of Mountain Village, hereinafter referred to as "this code" or the “IEBC”

~~2. “Section 103.1, General. The Planning and Development Services Department, Building Division~~Department of Building Safety,~~ is hereby charged with enforcing the IEBC, with the Building Official acting as the code official.”~~

~~2.3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.~~

~~3.4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.~~

~~5. 106.2.5 Exterior balconies and elevated walking surfaces. Delete this section in its entirety.~~

~~6. Section 108, Fees. Section 103.5 is hereby deleted in its entirety due to the administrative provisions set forth herein.~~

~~7. Section 109.3.6 Weather-exposed balcony and walking surfaces waterproofing. Delete this section in entirety.~~

~~2. Section 112 Board of Appeals. Board of Appeals: Delete and replace with section 178.74.8 of the Building Regulations.~~

~~3. Section 103.1, General. Section 103.1 is hereby amended to read:~~

~~“Section 103.1, General. The Building Division is hereby charged with enforcing the IEBC, with the Building Official acting as the code official.”~~

~~4. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.~~

~~5. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.~~

~~6.8. Section 116. Section 116 of the IEBC is hereby amended to read as follows:~~

Section 116.1, Emergency Measures 116.1. Shall be amended to read, “When the Building Official has reason to believe and upon inspection found in the opinion of the Building Official there is imminent danger of snow or ice falling from a building in a public area endangering the public or of failure or collapse of a building that endangers life, or when any building or a part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in proximity of any structure due to explosives, explosive fumes or vapors, or the presents of toxic fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure is Unsafe-, No Occupancy Allowed and Its Occupaney Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.” In the case of the Building Official having reason to believe and upon inspection found there is imminent danger of snow or ice falling from a building in a public area endangering the public, the Building Official will require the building owner remedy the danger within 24 hours of the danger being identified and ask that the public area be coned off in the interim for public safety purposes.

17.7.19 INTERNATIONAL FIRE CODE

- A. **Adoption.** The Town hereby adopts and incorporates herein by reference the International Fire Code (“IFC”) 201~~82~~ Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478 as adopted by Resolution from time to time by the San Miguel County Fire Protection District.
- B. **Amendments, Additions and Modifications.** The IFC 2012 Edition is hereby amended as follows:

1. **Section 103.1 General.** Section 103.1 is hereby amended to read as follows:

ADD 103.1.1 The term fire code official shall be changed to read Fire Marshal throughout this code.

Section 103.1 General. The Telluride Fire Protection District (“TFPD”) is hereby appointed by the Town to act as the department of fire prevention. The Building Division may also serve as the department of fire prevention as circumstances warrant.” The department of fire prevention shall be under the direction of the fire code official.”

2. **Section 103.2 Appointment.** Section 103.2 is hereby amended to read as ~~follows:~~

~~Section follows:~~ **Section 103.2 Appointment.** “The fire code official shall be the TFPD appointed Fire Marshal. The Building Official may also act as the fire code official as circumstances warrant.”

3. **Right of Entry.** Section 104.3 is hereby amended to read as follows:

104.3 Right of Entry. “Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the Fire Marshal has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the Fire Marshal shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties

imposed upon the Fire Marshal by this code. If such building or premises is occupied, the Fire Marshal shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Fire Marshal shall first make a reasonable effort to locate the building owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Marshal has recourse to every remedy provided by law to secure entry. Said person who refuses entry is in violation of Section 18-8-106 of the Colorado Revised Statutes.”

4. **104.10.1 Assistance from Other Agencies.** Section 104.10.1 is hereby amended to read as follows:

“**104.10.1 Assistance from Other Agencies** Police and other enforcement agencies shall have the authority to render necessary assistance in the investigation of fires and the enforcement of this code when requested to do so by the Fire Marshal.”

5. **104.11.2. Obstructing Operations.** Section 104.11.2 is hereby amended to read as follows:

“**104.11.2 Obstructing Operations.** No person shall obstruct the operations of the fire department in connection with the extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department. Said person shall be in violation of Section 18-8-104 of the Colorado Revised Statutes.”

6. **105.1.1. Permits Required.** Section 105.1.1 is hereby amended to read as follows:

“**105.1.1 Permits Required.** Any property owner or authorized agent who intends to conduct an operational business or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the Fire Marshal and obtain the required permits. Permit fees, if any, shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein and shall be readily available for inspection by the Fire Marshal.”

7. **105.4.1 Submittals.** Section 105.4.1 is hereby amended to read as follows:

“**105.4.1 Submittals.** Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by this code, nationally recognized standards, and the Fire Marshal. The construction documents shall be prepared by a registered design professional where required by the statutes of the State and or the jurisdiction in which the project is to be constructed.”

8. **105.4.2.1 Fire Protection System Shop Drawings.** Section 105.4.2.1 is hereby amended to read as follows:

“**105.4.2.1 Fire Protection System Shop Drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction ~~documents, and documents and~~ shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 and the appropriate NFPA standard.”

9. **105.4.2.1 Fire Protection System Shop Drawings.** Section 105.4.2 is hereby amended

to add a new section 105.4.2.2 as follows:

“105.4.2.2 Fire Alarm and Detection System Shop Drawings. “Shop drawings for the fire alarm and detection system(s) shall be submitted to indicate compliance with this code, the TFPD Fire Alarm Policy, the construction documents, and the appropriate NFPA standard and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by Section 907 of this code, the TFPD Fire Alarm Policy, and the appropriate NFPA Standard.”

10. **105.6.3 Aviation Facilities.** Section 105.6.3 is hereby deleted in its entirety.
11. **105.6.11 Cutting and Welding.** Section 105.6.11 is hereby deleted in its entirety.
12. **105.6.13 Exhibits and Trade Shows.** Section 105.6.13 is hereby deleted in its entirety.
13. **105.6.16 Flammable and Combustible Liquids.** Section 105.6.16 is hereby amended to delete sections 10 and 11 in their entirety.
14. **105.6.23 Hot Work Operations.** Section 105.6.23 is hereby amended by deleting section number 3 in its entirety. All other sections remain in effect.
15. **105.6.25 Lumber Yards and Woodworking Plants.** Section 105.6.25 is hereby deleted in its entirety.
16. **105.6.27 LP-Gas.** Section 105.6.27 is hereby deleted in its entirety.
17. **105.6.32 Open Flames and Candles.** Section 105.6.32 is hereby deleted in its entirety.
18. **105.6.34 Places of Assembly.** Section 105.6.34 is hereby deleted in its entirety.
19. **105.6.39 Repair Garages and Motor Fuel Dispensing Facilities.** Section 105.6.39 is hereby deleted in its entirety.
20. **105.6.43 Temporary Membrane Structures and Tents.** Section 105.6.43 is hereby deleted in its entirety.
21. **105.6.45 Waste Handling.** Section 105.6.45 is hereby deleted in its entirety.
22. **105.6.46 Wood Products.** Section 105.6.46 is hereby deleted in its entirety.
23. **105.7.13 Solar Photovoltaic Power Systems.** Section 105.7.13 is hereby deleted in its entirety.
24. **105.7.16 Temporary Membrane Structures and Tents.** Section 105.6.16 is hereby deleted in its entirety.
25. **Section 106.2.1 Inspections.** Section 106.2.1 is hereby amended to read as follows:

“~~106.2.1~~107.2.1 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Fire Marshal when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. A minimum of 24 ~~hours notice~~hours’ notice is required for all inspections.”

26. **107.2 Testing and Operation.** Section 107.2 is hereby amended to read as follows:

“107.2 Testing and Operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code, or other nationally recognized standards. The more stringent of the testing or operational requirements shall apply.”

27. **108.1 Board of Appeals Established.** Section 108.1 is hereby amended to read as follows:

“108.1 Board of Appeals Established. In order to hear appeals of orders, decisions or determinations made by the TFPD Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Board of Directors of the TFPD shall act as the board of appeals. The TFPD Fire Marshal shall be an ex officio member of

the board of appeals but shall have no vote on any matter before the board. The board shall adopt bylaws and rules of procedure for conducting its ~~business, and~~ business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Marshal and the Town Building Official.

108.1.1 Variances to the Provisions for Driveways and Fire Department Access. The board may, at its discretion, grant variances to the provisions of this code as it relates to driveways and fire department access, if in the determination of the Fire Marshal in consultation with the Community Development Department, the variance complies with the intent of the code. Variances may only be requested if the TFPD Fire Marshal determines, in consultation with the Community Development Department, that special conditions exist with the applicant's site conditions."

28. 108.3 Qualifications. Section 108.3 is hereby deleted in its entirety.

29. 109.4 Violation Penalties. Section 109.4 is hereby amended to read as follows:

"109.3 Violations and Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in direct violation of the approved construction documents or directive of the TFPD Fire Marshal, Building Official or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$3,000.00, or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

30. 111.4 Failure to Comply. Section 109.4 is hereby amended to read as follows:

"111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$3,000.00 or more than \$10,000.00."

31. Section 202 General Definitions. Section 202 is hereby amended to:

- a. Add a definition of Driveway as follows: ~~“;~~ **“Driveway.** Shall provide access to Group R-3 occupancies only and shall meet the requirements of Section 503.7 of this code.
- b. Amend the definition of Fire Chief as follows: ~~“;~~ **“Fire Chief.** The Chief of the department of fire prevention, or its duly authorized representative. A.K.A. Fire Marshal”
- c. Amend the definition of fire code official as follows: ~~“;~~ **“Fire Code Official.** The TFPD Fire Marshal or other designated authority charged with the administration and Enforcement of the code, or a duly authorized representative. In the absence of the TFPD Fire Marshal or a TFPD duly authorized representative, the Building Official may act as the fire code official.
- d. Amend the definition of high rise building as follows: ~~“;~~ **“High Rise Building.** A building with an occupied floor located more than 65 feet ~~(19812(19812mm~~ mm) above the lowest level of fire department vehicle access.”

32. 307.1.1 Prohibited Open Burning. Section 307.1.1 is hereby amended to read as follows:

“307.1.1 Prohibited Open Burning. Open Burn Regulations are found at CDC Section 16.6.9 and permitted in limited situation. Prescribed burning for the purpose of reducing the impact of wildland fire.”

33. 307.2 Permit Required. Section 307.2 is hereby amended to read as follows:

“307.2 Permit Required. A permit shall be obtained from the Fire Marshal, for areas within incorporated town limits within the TFPD in accordance with Section 105.6 of this code and Ordinance #2012-1 San Miguel County Colorado, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.”

34. 308.1.4 Open Flame Cooking Devices. Section 308.1.4 is hereby amended to add one additional exception in sections 4 as follows:

4. Permanently installed and piped gas grill operating on natural gas that are installed and maintained per manufactures directions.”

35. 314.3 Highly Combustible Goods. Section 314.3 is hereby amended to read as follows:

“314.3 Highly Combustible Goods. The display of highly combustible goods, including but not limited to fireworks, flammable or combustible liquids, liquefied flammable gasses, oxidizing materials, pyroxylin plastics and agricultural goods, in main exit access aisles, corridors, covered and open malls, or within 5 feet (1524mm) of entrances to exits and exterior exit doors is prohibited when a fire involving such goods would rapidly prevent or obstruct egress. The display and retail sale of fireworks shall comply with State of Colorado Statutes.”

36. 401.3.3 Delayed Notification. Section 401.3.3 is hereby amended to read as follows:

“401.3.3 Delayed Notification. A person shall not, by verbal or written directive, require any delay in the reporting of a fire to the fire department. Said person is in violation of Colorado Revised Statute Section 18-8-111.

37. 401.5 Making False Report. Section 401.5 is hereby amended to read as follows:

“401.5, Making False Report. A person shall not give, signal or transmit a false alarm. Said person is in violation of Colorado Revised Statute Section 18-8-111.”

38. 401.8 Interference with Fire Department Operations. Section 401.8 is hereby amended to read as follows:

“401.8 Interference with Fire Department Operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of a fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation. Said person is in violation of Colorado Revised Statute Section 18-8-104.”

39. 405.2 Frequency. Section 405.2 is hereby amended to read as follows:

405.2 Frequency. Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure. Occupancies regulated by the State of Colorado shall comply with the state requirements as a minimum.”

40. 407.1 General. Section 407.1 is hereby amended to read as follows:

407.1 General. The provisions of Sections 407.2 through 407.7 shall be applicable where hazardous materials subject to permits under Section 5001.5 are located on the premises or where required by the Fire Marshal or by State or Federal regulations.”

41. 407.6 Hazardous Materials Management Plan. Section 407.6 is hereby amended to read as follows:

407.6 Hazardous Materials Management Plan. Where required by this code, State or Federal regulations, each application for a permit shall include a Hazardous Materials Management Plan (HMMP) in accordance with Section 5001.5.1. The Fire Marshal is authorized to accept a similar plan required by other regulations.”

42. 408.3.1 First Emergency Evacuation Drill. Section 408.3.1 is hereby amended to read as follows:

408.3.1 First Emergency Evacuation Drill. The first emergency evacuation drill of each school year shall be scheduled and conducted per state regulations or within 10 days of the beginning of classes, whichever is more stringent.”

43. 408.7 Group I-3 Occupancies. Section 408.7 is hereby amended to read as follows:

408.7 Group I-3 Occupancies. Group I-3 occupancies shall comply with the requirements of Sections 408.7.1 through 408.7.4 and Sections 401 through 406 or State and or Federal regulations, whichever is more stringent.”

44. 503.1 Where Required. Section 503.1 is hereby amended to read as follows:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and resolution 88-1 as adopted by the TFPD, and or the regulations of the local jurisdiction, whichever is more stringent.”

503.1.1 Buildings and Facilities. Section 503.1.1, Exception opening sentence only is hereby amended to read as follows:

45. 503.1.1 Buildings and Facilities. Exception: The Fire Marshal is authorized to increase the dimension of 150 feet (45720mm) to 225 feet (~~68580~~(68580 mm) ~~where:---where~~”, with no change to the three criteria.”

46. 503.2.3 Surface. Section 503.2.3 is hereby amended to read as follows:

503.2.3 Surface. “Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all weather driving capabilities.

At a ~~minimum fire apparatus access roads~~ minimum fire apparatus access road shall be compacted to withstand a ~~20-ton~~ 20-ton point load anywhere along its length and width.”

47. 503.2.4 Turning radius. Section 503.2.4 is hereby amended to read as follows:

“**503.2.4 Turning Radius.** The inside turning radii for a fire apparatus access road shall not be less than 32 feet (~~9753~~9753.8mm).”

48. 503.2.5 Dead Ends. Section 503.2.5 is hereby amended to read as follows:

“**503.2.5 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet (45720mm) in length shall be provided with an approved area for turning around fire apparatus. See Appendix D for approved apparatus turnarounds.”

49. 503.2.7 Grade. Section 503.2.7 is hereby amended to read as follows:

“**503.2.7 Grade.** The grade of fire apparatus access roads shall be: Normal grades shall not exceed 8 percent. Transitional sections not exceeding 500 feet (152400 mm) in length may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent shall not be within 500 feet (152400 mm) of each other. Curves with a centerline radius of less than 250 feet (76200 mm) shall not exceed 8 percent grade.

EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent with the approval of the Fire Marshal, providing all structures served by the fire apparatus access road other than Group U are equipped with a fire sprinkler system meeting the requirements of Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 as determined by the occupancy.”

50. 503.2.8, Angles of Approach and Departure. Section 503.2.8 is hereby amended to read as follows:

“**503.2.8 Angles of approach and departure.** The angles of approach and departure for fire apparatus access roads shall be no more than a maximum of a 5 percent grade for a minimum of 20 feet (6096mm).”

51. 503.6 Security Gates. Section 503.6 is hereby amended to read as follows:

“**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. Security gates shall not encroach into the required fire apparatus access road width as stated in Section 503.2.1 and Section D105 for aerial fire apparatus access roads.”

52. 503.7 Driveways. Section 503.7 is hereby d established as a new section to read as follows:

“**503.7 Driveways.** Driveways shall be provided and maintained in accordance with Sections 503.7.1 through 503.7.2.

503.7.1 Driveways for R-3 Occupancies. An approved driveway shall be provided for every structure, or portion of a structure hereafter constructed or moved into or within the jurisdiction. The driveway shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the exterior walls of the first story of a structure as measured by an approved route around the exterior of the structure. A driveway shall serve no more than 3 R-3 structures.

EXCEPTION: The Fire Marshal is authorized to increase the dimension of 150 feet (45720mm) to 225 feet (68580mm) where:

1. The structure is equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.3; and
2. Driveway cannot be designed and installed per Section 503.7 because of the location on property, topography, waterways, non-negotiable grades or other similar conditions and the structure is equipped throughout with an approved, automatic fire sprinkler system installed in accordance with Section 903.3.1.3.

503.7.2 Specifications. Driveways shall be installed and arranged in accordance with Sections 503.7.2.1 through 503.7.2.10.

503.7.2.1 Dimensions. Driveways shall have an unobstructed width of not less than 12 feet (4876.8mm) and an unobstructed height of not less than 13 feet 6 inches (4114.8mm), with shoulders measuring 2 feet (609.6mm) on each side of a ~~12-foot~~12-foot (3657.6mm) drive surface. The shoulders shall be compacted to withstand a ~~20-ton~~20-ton load minimum. The ~~shoulders shall~~shoulders shall pitch at no more than a 2 percent grade from the edge of the normal drive surface.

503.7.2.1.1 Authority. The Fire Marshal, in consultation with the Community Development Department, shall have the authority to require an increase in the minimum width of driveways where they are inadequate for fire or rescue operations.

503.7.2.2 Surface. Driveways shall be designed and maintained to support the imposed loads of fire apparatus, 20 tons minimum, and shall be surfaced so as to provide all-weather driving capabilities.

503.7.2.3 Turning Radius. The inside turning radii of a corner shall not be less than 32feet (9753.6mm).

503.7.2.4 Dead end Driveways. Dead end driveways in excess of 150 feet (45720mm) shall be provided with an approved fire apparatus turnaround. See Figure D 103.1 for approved fire apparatus turnarounds.

503.7.2.5 Driveways in Excess of 200 Feet (60960mm) in Length. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width shall be provided with turnouts in addition to an approved fire apparatus turnaround.

503.7.2.6 Turnouts. ~~Driveway turnouts~~Driveway turnouts shall be an all-weather driving surface at least 10 feet (3048mm) wide and 40 feet (12192mm) long and be compacted to withstand a ~~20-ton~~20-ton load minimum. Driveway turnouts shall be located as required by the Fire Marshal.

503.7.2.7 Bridges and Elevated Surfaces. See Section 503.2.6.

503.7.2.8 Grades. Normal grades shall not exceed 8 percent. Transitional sections not exceeding 500 feet (152400mm) may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent grade shall not be within 500 feet (152400mm) of each other. Curves with a centerline radius of less than 250 feet (76200mm) shall not exceed 8 percent.

EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent providing all Group R-3 structures are equipped with an approved automatic fire sprinkler system meeting the requirements of Section 903.1.3.

503.7.2.9 Angles of Approach and Departure. The angles of approach and departure for driveways shall be no more than a maximum of a 5 percent grade for a minimum of 20 feet (6096mm).

503.7.2.10 Security Gates. The installation of security gates across a driveway shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall be maintained operational at all times. Security gates shall not encroach into the required driveway width or height.”

503.7.2.12 Clearance of brush or vegetative growth from fire apparatus access roads. Fire apparatus access roads built in locations with wildland fire hazard rating of high to extreme, as defined in the San Miguel County Community Wildfire Protection Plan, should have non-fire-resistive vegetation within 10 feet (3048 mm) of both sides of the road cleared.

53. **505.1 Address Identification.** Section 505.1 is hereby amended to read as follows:

“**505.1 Address Identification.** “New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and be approved consistent with the Design Regulations found in the CDC. Where required by the Fire Marshal address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or English alphabetical letters. Numbers shall be a minimum of 4-6 inches (101.6mm)-high with a stroke width of 0.5 inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. If local design requirements are more stringent~~stringent~~, they shall apply, however in no case shall less stringent requirements apply.

54. **507.1 Required Water Supplies.** Section 507.1 is hereby amended to read as follows:

“**507.1 Required Water Supplies.** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply systems in service at the time of the adoption of this code shall not be required to meet the distance requirement for hydrant spacing contained herein. However, installation of new hydrants on a pre-existing system, whether due to maintenance or expansion of the system, shall meet the distance requirements contained herein.”

55. 508.1.1 Location and Access. Section 508.1.1 is hereby amended to read as follows:

“**508.1.1 Location and Access.** The location and accessibility of the fire command center shall be approved by the Fire Marshal.”

56. 510.2 Emergency Responder Radio Coverage in Existing Buildings. Section 510.2 is hereby amended to read as follows:

“**510.2 Emergency Responder Radio Coverage in Existing Buildings.** Existing buildings that do not have approved radio coverage for emergency responders within the building, shall be equipped with such coverage when existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with section 510.1 Exception 1.”

57. 603.1 Installation. Section 603.1 is hereby amended to read as follows:

“**603.1 Installation.** The installation of non-portable fuel gas appliances shall comply with the International Fuel Gas Code or the appropriate NFPA standard, whichever is more stringent. The installation of all other fuel-fired appliances, other than internal combustion engines, oil lamps and portable devices such as blow torches, melting pots and weed burners, shall comply with this section, the International Mechanical Code or the appropriate NFPA standard, whichever is more stringent.”

58. 603.1.2 Approval. Section 603.1.2 is hereby amended to read as follows:

“**603.1.2 Approval.** The design, construction and installation of fuel-fired appliances shall be in accordance with the International Fuel Gas Code, the International Mechanical Code, or the requirements of the appropriate NFPA standard, whichever is more stringent.”

59. 603.3 Fuel Oil Storage Systems. Section 603.3 is hereby amended to read as follows:

“**603.3 Fuel Oil Storage Systems.** Fuel oil storage systems shall be installed in accordance with this code, state and federal EPA regulations or the appropriate NFPA standard, whichever is more stringent. Fuel oil piping systems shall be installed in accordance with the International Mechanical Code, state and federal EPA regulations or the appropriate NFPA standard, whichever is more stringent.”

60. 603.3.1 Fuel Oil Storage in Outside, Above-Round Tanks. Section 603.3.1 is hereby amended to read as follows:

“**603.3.1 Fuel Oil Storage in Outside, Above-Round Tanks.** Where connected to a fuel oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498L). The storage of fuel oil above ~~ground~~ inground in quantities exceeding 660 gallons (2498L) shall comply with NFPA 31 or state and federal EPA regulations, whichever is more stringent.”

61. 603.3.3 Underground Storage of Fuel Oil. Section 603.3.3 is hereby amended to read as follows:

“**603.3.3 Underground Storage of Fuel Oil.** The storage of fuel oil in underground storage tanks

shall comply with NFPA 31 or state and federal EPA regulations, whichever is more stringent.”

62. 603.8 Incinerators. Section 603.8 is hereby amended to read as follows:

“**603.8 Incinerators.** Commercial, industrial and residential-type incinerators and chimneys shall be constructed in accordance with the International Building Code, the International Fuel gas code and the International Mechanical Code or state and federal EPA regulations, whichever is more stringent.”

63. 604.2.14 High-Rise Buildings. Section 604.2.14 is hereby amended to read as follows:

“**604.2.14 High-Rise Buildings.** Standby power, light and emergency systems in high-rise buildings shall comply with the requirements of Sections 604.2.14.1 through 604.2.14.3, and Sections 403.4.8 through Section 403.3.9.1 of the IBC.”

ADD. 605.8.2 Detection Devices. Detection devices shall be connected to an alarm system(s) utilizing listed fire alarm signaling devices capable of generating a sound level of at least 15db above the ambient sound pressure level of the space in which they are installed and providing a distinctive audible and visual alarm.

-ADD. 605.8.3 Power and supervision. Detection and alarm system(s) shall be powered and supervised as required for fire alarm systems in accordance with Section 907 of this code, NFPA 72, and the Telluride Fire Protection District Alarm Policy.

ADD. 605.8.4 Monitoring and annunciation. Detection and alarm system(s) shall be remotely annunciated at an approved constantly attended location as required for fire alarm systems in accordance with Section 907 of this code, NFPA 72, and the Telluride Fire Protection District Fire Alarm Policy.

64. 606.8 Detection Devices. Section 606.8 is hereby amended to add three new subsections as follows:

“**606.8.1 Detection Devices.** Detection devices shall be connected to an alarm system(s) utilizing listed fire alarm signaling devices capable of generating a sound level of at least 15db above the ambient sound pressure level of the space in which they are installed and providing a distinctive audible and visual alarm.

606.8.2 Power and Supervision. Detection and alarm system(s) shall be powered and supervised as required for fire alarm systems in accordance with Section 907 of this code and the TFPD Alarm Policy.

606.8.3 Monitoring and Annunciation. Detection and alarm system(s) shall be remotely annunciated at an approved constantly attended location as required for fire alarm systems in accordance with Section 907 of this code, NFPA 72 and the TFPD Fire Alarm Policy.”

607 COMMERCIAL KITCHEN HOODS

607.3.3.2 Grease Accumulation. ADD or NFPA 96, whichever is more stringent

607.3.4 Extinguishing system service. ADD or NFPA 96, whichever is more stringent

65. Section 607.4 Elevator Key Location. Section 607.4 is hereby amended to read as follows:

“607.4 Elevator Key Location. Keys for the elevator car doors and fire-fighter service keys shall be kept in a Knox Box key box which shall be located as directed by the Fire Marshal or his designee.”

66. 608.1 Scope. Section 608.1 is hereby amended to read as follows:

“608.1 Scope. Stationary storage battery systems having an electrolyte capacity of more than 50 gallons (189L) for flooded lead-acid, nickel cadmium (Ni-Cd) and valve regulated lead-acid (VRLA), or more than 1,000 pounds (454kg) for lithium-ion and lithium metal polymer, used for facility standby power, emergency power or uninterruptable power supplies shall comply with this section, Table 608.1, and all pertinent state and federal regulations whichever is more stringent.”

67. 608.10 Hydrogen Sulfide Detection. Section 608.10 is hereby amended to add a new section as follows:

“608.10 Hydrogen Sulfide Detection. An approved hydrogen sulfide detection system shall be installed in rooms containing a stationary battery system(s). The detection system shall be annunciated through the automatic fire alarm system and shall also be supervised by an approved central station service.”

68. 806.1.1 Exceptions: Section 806.1.1, Exception 1 is hereby amended to read as follows:

Exception 1:

1. “Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.3.1.2 and the appropriate NFPA standard, and having a smoke detection system installed in accordance with Section 907, the TFPD Fire Alarm Policy and the appropriate NFPA standard, shall not be prohibited in Groups A, E, M, R-1 and R-2 occupancies.”

69. 807.1.2 Exceptions: Section 807.1.2, Exception 1, is hereby amended to read as follows:

“Exception: 1.

1. “In auditoriums in Group A, the permissible amount of decorative material meeting the flame propagation criteria of NFPA 701 shall not exceed 75 percent of the aggregate wall area where the building is equipped throughout with an approved automatic sprinkler system meeting the requirements of Section 903.1.1, the appropriate NFPA standard, and has a smoke detection system installed in accordance with Section 907, the TFPD Fire Alarm Policy, and the appropriate NFPA standard and where the decorative material is installed in accordance with Section 803.11 of the IBC.”

70. 807.4.3.1 Exceptions: Section 807.4.3.1, Exceptions section, is hereby amended to read as follows:

“Exceptions:

1. Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 and the appropriate NFPA standard, and the corridor is also protected by an approved smoke detection system installed in accordance with Section 907, the TFPD Alarm Policy and the appropriate NFPA standard.
2. Storage in metal lockers, provided the minimum egress width is maintained.”

71. 901.1 Scope. Section 901.1 is hereby amended to read as follows:

“901.1 Scope. The provisions of this chapter shall specify where fire protections systems are required and shall, along with the latest editions of the appropriate NFPA standard, apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. All design, installation testing and maintenance of said systems shall be performed by qualified and if required, by licensed personnel.”

72. 901.2 Construction Documents. Section 901.2 is hereby amended to read as follows:

“**901.2 Construction Documents.** Construction documents and calculations, meeting the requirements of this chapter and the appropriate NFPA standard, shall be required for all fire protection systems. Permits shall be issued for the installation, rehabilitation and or modification of any fire protection system. Fees for said permits shall be per the fee resolution. Construction documents shall be submitted for review and approval prior to system installation.”

73. 901.6.2 Records. Section 901.6.2 is hereby amended to read as follows:

“**901.6.2 Records.** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and shall be copied to the Fire Marshal.”

74. 903.2.8 Group R. Section 903.2.8 is hereby amended to read as follows:

“**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 and the appropriate NFPA standard shall be provided throughout all buildings with Group R fire area to include all Group R 3 occupancies over 3600 gross square feet. This section shall be superseded by Section P2904 of the International Residential Code upon its adoption, however at no time shall a multipurpose fire sprinkler system be accepted.”

75. 903.3.1.1.1 Exempt Locations. Section 903.3.1.1.1 is hereby amended to read as follows:

“**903.3.1.1.1 Exempt locations.** If approved by the Fire Marshal, automatic fire sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room or area merely because it is damp, of fire-resistance rated construction or contains electrical equipment.”

76. 903.3.1.2.1 Balconies and Decks. Section 903.3.1.2.1 is hereby amended to read as follows:

“**903.3.1.2.1 Balconies and decks.** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a combustibile roof or deck above. Sidewall sprinklers that are used to protect

such areas shall be permitted to be located such that their deflectors are within 1 inch (25mm) to 6 inches (152mm) below the structural members and a maximum distance of 14 inches (356mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.”

77. 903.4 Sprinkler System Supervision and Alarms. Section 903.4, Exceptions section, is hereby amended to read as follows:

“Exceptions:

1. Automatic sprinkler systems protection ~~one and two family~~ one- and two-family dwellings may have control valves sealed or locked in the open position.
2. Limited area systems serving fewer than 20 sprinklers may have control valves seals or locked in the open position.”

78. 903.4.1 Monitoring. Section 903.4.1 is hereby amended to read as follows:

“903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, as defined by NFPA 72, or when approved by the Fire Marshal, shall sound an audible signal at a constantly attended location.”

79. 906.1 Where Required. Delete Exception under Section 906.1, first criterion (No. 1) in its entirety.

Exception: In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-~~B:C-B: C~~. **DELETE EXCEPTION ENTIRELY**

80. 907.2 Where Required- New Buildings and structures. Section 907.2 is hereby amended to read as follows, with the Exceptions deleted in their entirety:

“907.2 Where Required-New Buildings and Structures. An approved fire alarm system installed in accordance with the provisions of this code, NFPA 72, and the TFPD Fire Alarm Policy shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.”

- 81. 907.2.1 Group A.** Section 907.2.1 Exception is hereby deleted in its entirety.
- 82. 907.2.2 Group B:** Section 907.2.2 Exception is hereby deleted in its entirety.
- 83. 907.2.2.1 Group B Ambulatory Health Care Facilities:** Section 907.2.2.1 Exception is hereby deleted in its entirety.
- 84. 907.2.3 Group E Exception:** Section 907.2.3 Exceptions 1 through 3 are hereby deleted in their entirety.
- 85. 907.2.4 Group F.** Section 907.2.4 Exception is hereby deleted in its entirety.
- 86. 907.2.6.1 Group I-1:** Section 907.2.6.1 Exceptions 1 is hereby deleted in its entirety.
- 87. 907.2.6.3.3 Automatic Smoke Detection Units.** Section 907.2.6.3.3 Exception 3 is hereby deleted in its entirety.
- 88. 907.2.7 Group M. Exception:** Section 907.2.7 Exception 2 is hereby deleted in its entirety.
- 89. 907.2.8.1 Manual Fire Alarm System.** Section 907.2.8.2 Exception 2 is hereby deleted in its entirety.

90. **907.2.8.2 Automatic Smoke Detection System.** Section 907.2.8.1 Exception is hereby deleted in its entirety.

91. **907.2.8.3 Smoke alarms.** Section 907.2.8.3 is hereby amended to read as follows:

“**Smoke alarms.** Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy. Smoke alarms shall sound throughout the guest rooms only while heat detectors shall activate the occupant notification appliances.”

92. **907.2.9.1 Manual Fire Alarm System.** Section 907.2.9.1 Exception 2 and 3 are hereby deleted in their entirety.

93. **907.2.9.2 Smoke Alarms.** Section 907.2.9.2 is hereby amended to read as follows:

“**907.2.9.2 Smoke alarms.** Single- and multiple station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy. Smoke alarms shall sound throughout the dwelling unit only, while heat detectors shall automatically activate the occupant notification appliances.”

94. **907.2.9.3 Group R-2 College and University Buildings.** Section 907.2.9.3 is hereby amended to read as follows:

“**907.2.9.3 Group R-2 College and University Buildings.** An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5, The TFPD Fire Alarm Policy, and NFPA 72 shall be installed in Group R-2 college and university buildings in the following locations:

1. Common spaces outside of dwelling and sleeping units.
2. Laundry rooms, mechanical equipment rooms, and storage rooms.
3. All interior corridors serving sleeping units or dwelling units.

Required smoke alarms in dwelling units and sleeping units in Group R-2 college and university buildings shall be interconnected with the fire alarm system in accordance with NFPA 72 and the TFPD Fire Alarm Policy.”

95. **907.2.10.1 Manual Fire Alarm System.** Section 907.2.10.1 Exception 2 is hereby deleted in its entirety.

96. **907.2.10.2 Automatic Smoke Detection System.** Section 907.2.10.2 Exceptions are hereby deleted in their entirety.

97. **907.2.10.3 Smoke Alarms.** Section 907.2.10.3 is hereby amended to read as follows:

“**907.2.10.3 Smoke alarms.** Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy.”

98. **907.2.11 Single- and Multiple-Station Smoke Alarms.** Section 907.2.11 is hereby amended to read as follows:

“**907.2.11 Single- and Multiple-Station Smoke Alarms.** Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4, NFPA 72, and the TFPD Fire Alarm Policy.”

99. **907.2.13 High-Rise buildings.** Section 907.2.13 is hereby amended to read as follows:

“**907.2.13 High-Rise Buildings.** High rise buildings shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, NFPA 72, and the TFPD Fire Alarm Policy, a fire department communications system in accordance with Section 907.2.13.2, NFPA 72, and the TFPD Fire Alarm Policy, an emergency voice/alarm communications system in accordance with Section 907.5.2.2, NFPA 72, and the TFPD Fire Alarm Policy.”

100. 907.2.13.1 Automatic Smoke Detection. Section 907.2.13 is hereby amended to read as follows:

“**907.2.13.1 Automatic smoke detection.** Automatic smoke detection in high rise buildings shall be in accordance with Sections 907.2.13.1.1, 907.2.13.1.1, NFPA 72, and the TFPD Fire Alarm Policy.”

101. 907.2.13.1.1 Area Smoke Detection. Section 907.2.13.1.1 is hereby amended to read as follows:

“**907.2.13.1.1 Area smoke detection.** Area smoke detectors shall be provided in accordance with this section, NFPA 72, and the TFPD Fire Alarm Policy. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall activate the emergency voice/alarm communication system in accordance with Section 907.5.2.2. In addition to smoke detectors required by Sections 907.2.1 through 907.2.10, smoke detectors shall be located in each mechanical equipment, electrical, transformer, telephone equipment or similar room.”

102. 907.2.13.2 Fire Department Communication System. Section 907.2.13.2 is hereby amended to read as follows:

“**907.2.13.2 Fire Department Communication System.** Where a wired communication system is approved in lieu of an emergency responder radio coverage system in accordance with Section 510, the wired fire department communication system shall be designed and installed in accordance with NFPA 72 and the TFPD Fire Alarm Policy and shall operate between a fire command center complying with Section 508, elevators, elevator lobbies, emergency and standby power rooms, fire pump rooms, areas of refuge, and inside enclosed exit stairways. The fire department communications device shall be provided at each floor level within the enclosed exit stairway.”

103. 907.2.14 Atriums Connecting More than Two Stories. Section 907.2.14 is hereby amended to read as follows:

“**907.2.14 Atriums Connecting More Than Two Stories.** A fire alarm system shall be installed in occupancies with an atrium that connects more than two stories, with smoke detection installed throughout the atrium. The system shall be activated in accordance with Section 907.5, NFPA 72, and the TFPD Fire Alarm Policy. Such occupancies in Group A, E, or M shall be provided with an emergency voice/alarm communication system complying with the requirements of Section 907.5.5.5, NFPA 72, and the TFPD Fire Alarm Policy.”

104. 907.2.18 Underground Buildings with Smoke Control Systems. Section 907.2.18 is hereby amended to read as follows:

“**907.2.18 Underground Buildings with Smoke Control Systems.** Where a smoke control system is installed in an underground building in accordance with the International Building

Code, automatic smoke detectors shall be provided in accordance with Section 907.2.12.1, NFPA 72, and the TFPD Fire Alarm Policy.”

105. 907.3 Fire Safety Functions. Section 907.3 is hereby amended to read as follows:

“**907.3 Fire Safety Functions.** Automatic fire detectors utilized for the purpose of performing fire safety functions shall be connected to the building’s fire alarm control unit where a fire alarm system is required by Section 907.2, NFPA 72 and the TFPD Fire Alarm Policy. Detectors shall, upon activation, perform the intended function and activate the alarm notification appliances and shall also notify the monitoring company’s signaling service. In buildings not equipped with a fire alarm system, the automatic fire detector shall be powered by normal electrical service and, upon activation, perform the intended functions. The detectors shall be located in accordance with NFPA 72 and the TFPD Fire Alarm Policy.”

106. 907.3.1 Duct Smoke Detectors. Section 907.3.1 is hereby amended to read as follows:

“**907.3.1 Duct Smoke Detectors.** Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct detectors shall be connected to the building’s fire alarm control unit when a fire alarm system is required by Section 907.2, NFPA 72, and the TFPD Fire Alarm Policy. Activation of a duct smoke detector shall initiate a signal to the monitoring company’s signaling service and shall perform the intended fire safety functions in accordance with this code and the IMC. Duct smoke detectors shall not be used as a substitute for required open air detection.”

107. 907.3.1 Duct Smoke Detectors. Section 907.4.1 is hereby amended to delete Exception 2 in its entirety.

108. 907.3.3 Elevator Emergency Operation. Section 907.3.3 is hereby amended to read as follows:

“**907.3.3 Elevator Emergency Operation.** Automatic fire detectors installed for elevator emergency operation shall be installed in accordance with ASMA A 17.1, NFPA 72, and the TFPD Fire Alarm Policy.”

109. 907.3.4 Wiring. Section 907.3.4 is hereby amended to read as follows:

“**907.3.4 Wiring.** The wiring to the auxiliary devices and equipment used to accomplish the above fire safety functions shall be monitored for integrity in accordance with NFPA 72, and the TFPD Fire Alarm Policy.”

110. 907.4.3.1 Automatic Sprinkler System. Section 907.4.3.1 is hereby deleted in its entirety.

111. 907.5 Occupant Notification Systems: Section 907.5 Exception is hereby deleted in its entirety.

112. 907.5.2.1 Audible Alarms: Section 907.5.2.1 Exception is hereby deleted in its entirety.

113. 907.5.2.2 Emergency Voice/Alarm Communication Systems. Section 907.6.2.2 is hereby amended to read as follows:

“**907.5.2.2 Emergency Voice/Alarm Communication Systems.** Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72 and the TFPD Fire Alarm Policy. The operation of any automatic fire detector, sprinkler water flow device, or manual fire alarm box shall automatically sound an alert tone

followed by voice instructions giving approved information for a general or staged evacuation in accordance with the building's fire safety and evacuation plans required by Section 404. In high-rise buildings, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows: 1. Elevator groups, 2. Exit stairways, 3. Each floor, 4. Areas of refuge as defined in Chapter 2."

114. 907.6 Installation. Section 907.6 is hereby amended to read as follows:

"**907.6.1 Installation.** The fire alarm system shall be installed in accordance with Sections 907.6.1 through 907.6.5.2, NFPA 72, and the TFPD Fire Alarm Policy."

115. 907.6.1 Wiring. Section 907.7.1 is hereby amended to read as follows:

"**907.6.1 Wiring.** Wiring shall comply with NFPA 70 and 72 as to wiring size and installation of the wire, and the TFPD Fire Alarm Policy with regard to class/style of wiring to all devices in the system. Wireless protection systems utilizing radio-frequency transmitting devices shall comply with the special requirements for supervision of low-power systems in NFPA 72."

116. 907.6.3 Zones. Section 907.7.3 is hereby amended to read as follows:

"**907.6.3 Zones.** Each floor shall be zoned ~~separately~~separately, and a zone shall not exceed 22,500 square feet (2092m²). The length of any zone shall not exceed 300 feet (91,440mm) in any direction. Additional requirements for zoning shall be as specified in the TFPD Fire Alarm Policy."

117. 907.6.5 Monitoring. Section 907.6.5 is hereby amended to read as follows:

"**907.6.5 Monitoring.** Fire alarm systems required by this chapter or by the IBC shall be monitored by an approved supervising station in accordance with NFPA 72, and the TFPD Fire Alarm Policy."

118. 907.6.5, Monitoring. Section 907.7.5 Exception 3 is hereby deleted in its entirety.

119. 907.7 Acceptance Tests and Completion. Section 907.7 is hereby amended to read as follows:

"**907.7 Acceptance Tests and Completion.** Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72, and the TFPD Fire Alarm Policy."

120. 907.7.2 Record of Completion. Section 907.7.2 is hereby amended to read as follows:

"**907.7.2 Record of Completion.** A record of completion in accordance with NFPA72 verifying that the system has been installed and tested in accordance with the approved plans and specifications shall be provided to the Fire Marshal and owner or owners representative at final inspection."

121. 907.8.2 Testing. Section 907.8.2 is hereby amended to read as follows:

"**907.8.2 Testing.** Testing shall be performed annually unless required more frequently by NFPA 72. A copy of the test results shall be forwarded to the Fire Marshal's office."

122. **907.8.3 Smoke Detector Sensitivity.** Section 907.8.3 is hereby amended to read as follows:

“**907.8.3 Smoke Detector Sensitivity.** Smoke detector sensitivity shall be checked within one year after installation and every alternate year thereafter unless required more frequently by the detector manufacturer or NFPA 72. Where the frequency is extended, records of detector-caused nuisance alarm and subsequent trends of these alarms shall be maintained. In zones or areas where nuisance alarms show an increase over the previous year, calibration tests shall be performed.”

123. **907.8.5 Maintenance, Inspection and Testing.** Section 907.9.5 is hereby amended to read as follows:

“**907.8.5 Maintenance, Inspection and Testing.** The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record of such tests and inspections shall be maintained on the premises. A tag showing, at a minimum, the date of inspection, the company doing the inspection, and contact numbers for the company shall be affixed to the fire alarm control panel after each inspection.”

124. **909.20.1 Schedule.** Section 909.20.1 is hereby amended to read as follows:

“**909.20.1 Schedule.** A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and testing shall be established. At a minimum routine testing and maintenance shall be performed annually.”

912.5 Backflow protection. AMEND TO READ The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code, the appropriate NFPA standard, local water department requirements and or state health department requirements, whichever is more stringent.

125. **913.4 Valve supervision.** Section 913.4 is hereby amended to delete method number 2 in its entirety.

126. **914.2.3 Emergency Voice/Alarm Communication System.** Section 914.2.3 is hereby amended to add the following subsection:

“**914.2.3.1 Emergency Responder Radio Coverage.** Emergency responder radio coverage shall be provided in accordance with Section 510.”

127. **1024.1 General.** Section 1024.1 is hereby amended to read as follows:

“**1024.1 General.** Approved luminous egress path markings delineating the exit path shall be provided in high-rise buildings of Group A, B, E, I, M, R-1, and R-2 occupancies in accordance with Sections 1024.1 through 1024.5.”

128. **Chapter 25 Fruit and Crop Ripening.** Chapter 25 is deleted in its entirety.
129. **Chapter 27 Semiconductor Fabrication Facilities.** Chapter 27 is deleted in its entirety.
130. **Chapter 29 Manufacture of Organic Coatings.** Chapter 29 is deleted in its entirety.
131. **Chapter 36 Marinas.** Chapter 36 is deleted in its entirety.

132. **Appendix A Board of Appeals.** Appendix A is deleted in its entirety since the TFPD establishes its own rules for the Board pursuant to Section 108.1
133. **Appendix D Fire Apparatus Access Roads.** Appendix D is hereby amended as follows:

a. **D103.1 Access Road Width with a Fire Hydrant.** Amend to read as follows:

“**D103.1 Access Road Width with a Fire Hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 20 feet (6096 mm, exclusive of the shoulders.”

b. ~~Figure D-103.1, Dead End Fire Apparatus Access Road Turnaround.~~ Figure ~~D103.1~~ is deleted in its entirety and is replaced by the TFPD designs as set forth in Attachment D.

-D 103.2 Grade AMEND TO READ Fire apparatus roads shall not exceed 8 percent in grade.

Exceptions AMEND TO READ

1. Transitional sections not exceeding 500 feet (152400mm) in length may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent shall not be within 500 feet (152400 mm) of each other. Curves with a centerline radius of less than 250 feet (76200 mm) shall not exceed 8 percent.

2. Transitional sections may be allowed a maximum grade up to 12 percent with the approval of the Fire Marshal, providing all structures served by the fire apparatus access road other than Group U are equipped with a fire sprinkler system meeting the requirements of Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 as required.

c. **D 103.3 Turning Radius.** Amend to read as follows:

“**D103.3 Turning radius.** The minimum inside turning radius shall be 32 feet (9753.6 mm).

d. ~~Figure D103.4 Dead Ends.~~ Amend to read as follows:

D103.4 Dead ends AMEND TO READ Dead end fire apparatus access roads in excess of 150 feet (45720 mm) shall be provided with an approved turnaround in accordance with Figure D103.1

ADD THIS SECTION ENTIRELY D103.4.1 Cul-de-sacs. Cul-de-sacs or dead-end roads shall not exceed 600 feet (182,880 mm) in length and shall be provided with a turnaround as shown in Figure 103.1

EXCEPTION Maximum length may be increased to 1200 feet (365,760 mm) in length provided the width is increased to 26 feet (7925 mm) and that all structures except Group U have fire sprinkler and alarm systems meeting the requirements of Chapter 9 installed. A turnaround in accordance with Figure 103.1 shall be provided.

~~d.e.~~

~~e. “**D103.4 Dead Ends.** Dead end fire apparatus access roads in excess of 150 feet (45,720 mm) shall be provided with an approved turnaround in accordance with Figure D103.1.”~~

- f. **D103, Minimum Specifications.** Amend to add new subsection 103.7 Cul-du-Sacs as follows:

“**D104.7 Cul-du-Sacs.** Cul-du-sacs or ~~dead-end~~ roads shall not exceed 600 feet (182,880 mm) and shall be provided with a turnaround as shown in Figure D103.1.”

Exception. Maximum length may be increased to 1200 feet (365.760 mm) providing all structures along the road have fire sprinkler and alarm systems meeting the requirements of Chapter 9 installed. A turnaround in accordance with Figure D103 shall be provided.”

C. Geographic Limits

1. That the geographic limits referred to in certain sections of the 2012 International Fire Code are hereby established as follows:
- a. **Section 5704.2.9.6.1** Storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION. Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose fire or safety hazards.

2. **Section 5706.2.4.4** Storage of Class I and Class II liquids in above ground tanks is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose fire or safety hazards.

3. **Section 5806.2** Storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose fire or safety hazards.

4. **Section 6104.2** The storage of liquefied petroleum gas is restricted for the protection of heavily populated areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose fire or safety hazards.

17.7.20 CONSTRUCTION MITIGATION

All development within the town shall comply with the Construction Mitigation Regulations

A. CONSTRUCTION MITIGATION REGULATIONS

1. A construction mitigation plan shall be submitted for development that requires storage, scaffolding, parking, trailers, equipment or other exterior development staging.
2. When a construction mitigation plan is required, the following plans and information shall be submitted to the ~~Community Development~~Building Planning and Development Services Department as applicable:
 - a. Site plan showing:
 - i. Perimeter fencing with attached green screening;
 - ii. Tree protection for trees to be saved;
 - iii. Limits of disturbance and fencing at such line;
 - iv. Erosion control and water quality protection measures using best management practices consistent with the Grading and Drainage Design Regulations;
 - iv-v. A temporary right of way encroachment permit for parking, material staging and/or use as applicable with a restoration agreement and timeline.
 - ~~v-vi.~~ Laydown/storage areas;
 - ~~vi-vii.~~ Parking areas;
 - ~~vii-viii.~~ Crane location and swing radius;
 - ~~viii-ix.~~ Portable toilet location(s);
 - ~~ix-x.~~ Construction trailer location(s);
 - ~~x-xi.~~ Dumpster and recycling bin locations;
 - ~~xi-xii.~~ Method to protect any surrounding plaza areas caused by heavy vehicles, construction or development;
 - ~~xii-xiii.~~ Bear-proof trash can location; and
 - b. Other information as required by the ~~Community Development~~Planning and Development Services ~~Building Department~~Services Department.
3. The construction mitigation plan shall be reviewed and approved by the ~~Community Development~~Building Planning and Development Services Department in consultation with the Police, Public Works and other applicable Town departments.
4. The general easement shall be protected as approved by the Review Authority, with the goal to avoid locating construction activities in the general easement and the need to respect the neighbors and neighboring properties, especially ~~in regard to~~regarding the placement of dumpsters, portable toilets and other more intensive construction infrastructure.
5. Construction projects adjacent to rights-of-ways and pedestrian areas including, but not limited to, walkways, hiking and biking trails, plazas, restaurants, etc., shall provide screened, fencing or hoarding (with appropriate directional signage) and needed lighting to direct pedestrians away from potential hazards related to the construction site. Pedestrian protection adjacent to the construction site shall be the responsibility of the owner and owner's agent. The Building Official has the right to require additional fencing if deemed necessary to protect public safety or screen construction activity. All public pedestrian protection shall be provided per chapter 33 of the IBC.
6. Construction staging in accordance with these regulations may occur on an off-premise site provided property owners immediately adjacent to the site are provided written notification prior to the ~~Community Development~~Building Department ~~Division~~

reviewing or approving the plan. The ~~Community Development Building Department~~ Planning and Development Services Department may require large-scale, off-site construction staging areas to be reviewed and approved by the DRB with public notice as required by the public hearing noticing requirements. Such ~~large-scale~~ large-scale staging areas should be evaluated concurrent with the required development review process for efficiencies and a holistic evaluation and mitigation of impacts.

B. CONSTRUCTION HOURS AND NOISE

Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises ~~and in~~ in general are permitted between the hours of seven (7) in the morning and six (6) in the evening Monday through Saturday, excluding the holidays listed below. No construction activity may take place on Sundays, Monday through Saturday before seven (7) in the morning or after six (6) in the evening or the following holidays: New year's Day, Memorial Day, The Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, except in case of urgent necessity or an unique situation as determined by the Building Official or its designee. Ensuring a secure site and changing out propane tanks for proper heating are permitted during prohibited construction times. All proposed blasting, jack hammering, pile ~~driving~~ driving, and similar loud construction noises shall be pre-approved by the review authority and scheduled as necessary depending on the site proximity to existing development, anticipated occupancy, surrounding density, and holidays to limit any negative impact. If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, TFPD, local traffic, pedestrians, etc. prior to blasting.

C. TEMPORARY STRUCTURES FOR CONSTRUCTION SITES

A small job office or trailer may be located on the site during construction. The location of any job office or trailer will be determined on the construction mitigation plan. The job office shall be removed from the site prior to receiving a CO.

D. ENVIRONMENTAL CONTROLS

Areas defined on the topographical survey that require preservation methods, i.e., natural landforms, vegetation, streams, ponds, wetlands, shall be identified and preserved by the general contractor or person primarily responsible for the construction. These areas and the methods of preservation will be defined during the Design Review Process or other applicable development application applicable to the project. Erosion control measures shall be taken during construction to ensure soil stabilization, sediment control and timely re-vegetation. The general contractor or person primarily responsible for the construction is responsible for the implementation of all preservation techniques.

E. CONSTRUCTION SITE MAINTENANCE

1. **Construction Site Maintenance.** All construction sites in the Town shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:
 - a. Every lot for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier.
 - b. The fence or barrier shall remain in place ~~until such time as~~ until the Building

- Official has determined that the property is sufficiently secured ~~so-as-to~~ prevent a health or safety risk or danger.
- c. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public health and safety.
2. **Material Storage.** Construction materials shall be stored, maintained and secured ~~so-as~~ to prevent safety risk or danger.
3. **Recycling.**
- a. To the extent practicable, ~~The~~ following materials shall be recycled for every construction project that requires a building permit:
- i. Cardboard;
 - ii. Glass;
 - iii. Newspaper;
 - iv. Metal; and
 - v. Recyclable plastics.
- b. The following permits do not need to provide recycling:
- i. Mechanical permits;
 - ii. Electrical permits;
 - iii. Plumbing permits;
 - iv. Demolition permits; and
 - v. Other similar minor permits that do not generate large amounts of waste.
- c. The construction mitigation plan shall show a comingled recycle bin for plastics, glass, newspaper and cardboard, with palettes or recycling dumpsters utilized for large quantities of cardboard.
- d. Bins, dumpsters or pallets may be used to store recycle metal.
- e. These recycling requirements shall not apply to demolition permits.
- f. For demolition projects, the developer shall provide a ~~two-week~~two-week opportunity for public salvage of building materials by placing a ~~1/8-page~~1/8-page display ad in a newspaper of general circulation for two days in a ~~seven-day~~seven-day period. Such public salvage of building materials shall be a ~~one-week~~one-week period commencing the day after the second ad is run in the newspaper. The developer may require the public salvaging materials to sign a hold harmless agreement to protect them from legal liability or damages.
4. **Waste Disposal.** Accumulated construction debris that is not recycled ~~in accordance with these regulations~~ shall be hauled away and disposed of in accordance with all applicable laws, on regular basis when full.
- a. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.
 - b. Debris from construction sites shall not be disposed of in dumpsters located at any other construction site within the town without the prior approval of the Building Official.
 - c. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.

- d. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed in dumpsters.
 - e. All construction sites shall have a person designated to be regularly present at the subject property as having responsibility to assure that no litter or debris leaves the subject property and that all litter and debris is picked up before the end of every construction day.
 - f. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public sewer. Intentionally placing, depositing, or otherwise disposing of construction debris in any public sewer will result in enforcement as provided.
5. **Portable Toilets.** Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official. Portable toilets shall meet the applicable IPC requirements. Any portable toilet facilities shall be located, to the extent possible, at the rear of the construction site or out of plain view of any public right-of-way or neighbor. If the portable toilet facility cannot be located at the rear of the construction site and out of plain view of any public right-of-way or neighbor, the toilet facility must be fully screened from any public right-of-way or neighbor.
6. **Right-of-Way Closures.** A road closure permit shall be obtained prior to closing any sidewalk, street or other public right-of-way. Appropriate safety measures shall be used by the general contractor or owner's agent as applicable.
7. **Parking and Site Access.** The parking of construction vehicles or equipment shall not occur in any manner ~~so as to~~ block access to or through any public sidewalk, or street or rights-of-ways. The parking of construction vehicles on public streets shall be prohibited except as approved as part of a construction mitigation plan. Construction vehicles shall not use private driveways to turnaround. Construction materials shall not be stored on town streets or property unless approved by the Town as a part of the construction mitigation plan, and only after proving that no practicable alternative exists for storage on the development site.
8. **Construction Clean Up of Streets and Sidewalks.** All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property ~~as a result of~~~~because of~~ excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.
9. **Protection of Public Property.** Every construction site shall be maintained in a manner so as to avoid damage to the public right-of-way, infrastructure or other public property, including but not limited to the village curbs, alleys, streets, crosswalks, sidewalks, signs, ~~street lights~~~~streetlights~~, sprinkler systems, sewers or other public infrastructure. ~~At the discretion of the Planning and Development~~~~Development Services~~ ~~Prior to the commencement of construction activities, the developer shall provide to the Town, video or photo documentation of the existing conditions prior to construction for the purpose of determining restoration obligations and compliance with this section. Any and all~~~~All~~ damage to the public right-of-way, infrastructure or other public property caused during

the construction activities by the property owner, its contractors or agents shall be repaired, replaced or otherwise remedied by, and at the sole expense of, the property owner prior to the issuance of a CO. If Town infrastructure cannot be inspected during the winter months, a TCO may be issued until such inspection occurs.

10. **Air Quality Protection.** Airborne particles shall be controlled at the subject property ~~at all times~~ always during work by means of a water truck and spraying equipment or other water source capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Such spraying shall be undertaken ~~at all times~~ always as necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
11. **Permission to Use Adjoining or Intervening Properties.** No permit issued pursuant to this chapter shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right of entry has been secured from the owner of such property and provided to the Building Official.
12. **Vehicle Storage.** Vehicles not being used on-site for construction purposes shall not be left overnight on-site.
13. **Required Utility Locates.** Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth. Failure to have utilities properly located or any action that disturbs existing utilities, if the utilities were properly located, will result in the action contained in Section 20-6-(h) being taken.

F. PENALTIES

In addition to any violations and penalties set forth in the CDC, any violation of the Construction Mitigation Regulations shall result in the following additional actions being taken:

1. **1st Violation.** First violation – Documented warning.
2. **2nd Violation.** Second violation – All work must cease until the violation has been cured.
- ~~3. **2nd Violation of Same Rule.** Second violation of the same regulation within a 6 month period – a two (2) construction days stop work order shall be issued. Work may resume at the permitted hour on the third construction day if the violation has been cured.~~
- 4.3. **3rd Violation.** Third regulation violation within a ~~6 month~~ 6-month period - A two (2) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
- ~~5. **3rd Violation of the Same Rule.** Third violation of the same regulation within a 6 month period – A three (3) construction days stop work order shall be issued. Work may resume at the permitted hour on the fourth construction day if the violation has been cured.~~
- ~~6. **4th Violation.** Fourth regulation violation within a 6 month period – A three (3) construction days stop work order shall be issued. Work may resume at the permitted hour on the fourth construction day if the violation has been cured.~~
- ~~7. **4th Violation of the Same Rule.** Fourth or greater violation of the same regulation with a 6 month period – a five (5) construction days stop work order shall be issued. Work may resume at the permitted hour on the sixth construction day if the violation has been cured and after attending a meeting with the Building Official or its designee. At the meeting with the Building Official, a plan detailing how future violations of the Construction Mitigation Regulations will be prevented must be submitted and approved before work may resume.~~
- ~~8. **5th Violation.** Fifth or greater violation within a 6 month period – a five (5) construction days stop work order shall be issued. Work may resume at the permitted hour on the sixth construction day if the violation has been cured and after attending a meeting with~~

~~the Building Official or its designee. At the meeting with the Building Official, a plan detailing how future violations of the Construction Mitigation Regulations will be prevented must be submitted and approved before work may resume.~~

9.4. Stop Work Order Fees and Penalties. In addition, any stop work order shall result in a fee in the amount set by ~~the fee resolution~~ the Planning and Development Department Fee Schedule. ~~After the third violation in a +2-month 12-month period, the Building Official may assess penalties and fees as set for in the CDC at Section 17.1.18 in addition to the those set for in the fee schedule.~~

17.7.21 SNOW AND ICE REMOVAL REGULATIONS

- A. Purposes.** The purposes of the Snow and Ice Removal Regulations are to:
1. Protect the public health, safety and welfare by preventing falling snow and/or ice from the roofs of buildings within, adjacent to, or near plaza areas, public areas around buildings by requiring that the owners of such buildings engage in the installation or supplementation of roof-top snow-shed protection systems and regular snow and/or ice build-up inspection activities, and, if necessary, snow and ice removal activities;
 2. Safeguard the Town-owned plazas and overall plaza areas;
 3. Establish procedures under which snow and ice removal activities will occur;
 4. Ensure that a building's roof is not unsafe due to snow or icefall hazard as regulated by Section 116 of the IBC;
 5. Ensure a building does not become unsafe to due roof snow and ice buildup; and,
 6. Set forth rules for the enforcement of such requirements.
- B. Applicability.** These Snow and Ice Removal Regulations shall apply to all multi-family or ~~mixed-use~~ mixed-use buildings.
- C. Roof Snow and Ice Management.** The owner of each building shall ensure that each roof plane of a building does not shed snow or ice onto public area, plaza area sidewalk, or right-of-way. Each roof shall be constructed and maintained as follows:
1. Each roof-plane shall contain a snow and ice retention, snowmelt system and roof drain system ~~snow guard system that is supplemented by a wire mesh retention system, all of which is~~ designed and stamped by a qualified structural engineer or qualified roofing specialist/professional and approved by the- review authority which prevents the roof plane from shedding snow and/or ice to areas below the roof plane; or
 2. In the event that ~~it is demonstrated by a qualified structural engineer that~~ a snow and ice retention, snowmelt and roof drain system ~~guard system~~ is not a viable option for preventing snow and ice from shedding into areas below the roof plane, the owner or HOA must demonstration a feasible snow and ice melt mitigation plan that may include each roof plane shall contain heat tape or other heating system that is designed by a qualified engineer or roofing professional, which ~~professional, which~~ prevents the roof plane from shedding snow and/or ice to areas below the roof plane.
 3. If the Town determines that additional snow fences or other snow maintenance controls are required to protect a public area or a public plaza, the Town will require a building owner to arrange for the installation of the additional snow ~~maintenance controls and ice mitigation measures.~~

D. Requirements for Snow Inspection and Removal. During months that snow accumulates, the owner and any building manager of each building shall ensure that there are regular (not less than weekly) inspections of all eaves and other roof areas of the building that could result in the discharge of snow, and/or ice, and/or roof tiles, to public area, plaza area sidewalk, or right-of-way.

1. Upon identification of an overhead snow/ice safety removal issue ~~as a result of~~because of such inspections, or upon being informed by a representative of the Town that an overhead snow/ice safety removal issue exists on a building, the owner or building manager shall proceed in accordance with the requirements set forth herein.

2. Upon identification of an overhead snow/ice safety removal issue, or upon being informed by a representative of the Town that an overhead snow/ice safety removal issue exists on a building, the owner or building manager of the building shall:

~~a. Immediately cordon off the hazard area and notify the Community Development Planning and Development Services Department of the issue, and cordoned off area...~~

~~b.a.~~

i. ~~The hazard area shall be~~The cordoned off ~~area materials shall use only are using only~~ appropriate fencing and/or Town approved barriers.

ii. ~~In the event that~~If the cordoned off area is an entrance or egress, the building manager shall provide appropriate signage to direct users to alternative entrances or egress areas.

~~e.b.~~ Immediately schedule appropriate work crews to remove the identified hazard and ensure that diligent and reasonable efforts are being made to complete the snow removal activity within 24 hours of the identification of the hazard, or within such longer period of time as is necessary for the snow removal in the reasonable judgment of the Building Official or other appropriate Town department, but in no event more than 72 hours.

~~d.c.~~ Ensure that all such removal activities are safely completed, including but not limited to ensuring that ~~at all times~~always during the removal activities there is at least one worker posted at ground level to monitor pedestrian safety.

~~e.d.~~ Snow and ice removal workers shall use appropriate safety devices as required by OSHA.

~~f.e.~~ Snow and ice removal techniques should not damage the roof of buildings or infrastructure surrounding buildings, such as the use of a heavy hammer directly onto the roofing surface or dropping ice blocks onto electric transformers.

~~g.f.~~ To the extent practical, snow removal should be planned for times when there is the least activity in public areas and public plazas. This could include early mornings (7am-9 am) and weekdays when the presence of pedestrians is at a minimum.

3. Landscaped areas below a roof plane that can slide shall be blocked off by fencing installed pursuant to the Design Regulations, with appropriate permanent signage warning of the hazard. All signage shall comply with the Sign Regulations.

E. Snow and Ice Removal ~~From~~from Town and Private Property. ~~A building owners~~A building owner, HOA or its property manager shall make arrangements to haul snow and ice removed from a roof or deck onto a plaza area, sidewalk or right-of-way immediately upon the conclusion of removal.

1. Absolutely no snow ~~is allowed to~~can be stored for any length of time on public plazas and public areas.
2. A building owner is liable for any damages caused to Town property, private property or pedestrians from snow and ice falling off your roof.
3. A plaza vehicle access permit is required from the Town Plazas and Environmental Service Department for any equipment needed to access the public plazas for snow removal.
4. Snow and ice may not be stored in a planter located on a public plaza or in planters where the required landscaping may be damaged or destroyed.
5. No vehicles over 10,000 pounds will be allowed in a plaza area. The Town shall require that haul trucks are staged at the perimeter of a plaza area to prevent paver damage. The plaza vehicle access permit will identify exact locations where your vehicles are approved for operation.
6. If your snow is not removed from plaza area in a timely manner, the Town Plazas and Environmental Service Department will remove it for you at a cost of \$200 per hour or the then-in-effect rate as adopted in the fee resolution, to be billed directly to the business or property as applicable.
7. Any damage to Town property (including Plazas, planters, trees, landscaping) or private property resulting from roof snow and ice removal operation is the building owner's responsibility to repair at such owner's sole cost and expense. Care shall be taken to not disturb town property with a snow and ice removal program.

Why are construction costs high? Here are a few observations:

- 1) We are a remote area. This requires special materials to be shipped here, adding shipping costs.
- 2) Fewer contractors are available than in bigger cities.
- 3) New construction materials and methods of construction such as: Closed cell spray foam, Exterior house wrap products and methods of installation, Engineered wood products being used. All these products have shown up in our market in the last 10 years.
- 4) Energy code requirements such as the following list increase costs:
 - a. HERS ratings, process and requirements
 - b. Required engineered mechanical systems
 - c. Boiler controls
 - d. snow- melt controls
 - e. Lighting controls
 - f. LED light fixtures

For example, a single pole light switch costs 60 cents, but a dimmer or motion sensor costs 25 to 35 dollars. Boiler and snow melt controls that interface with other systems are also a measurable expense. These energy requirements are necessary to reduce energy costs and may well demonstrate their value by mitigating costs associated with the use themselves if unchecked. However, there has been increasing costs associated with these requirements since even within the last ten years.

Summary

when all the local building departments change to the 2018 Codes the contractors from other areas will be more comfortable coming up here to work knowing that the codes are consistent with their area requirements. In talking with outside contractors many had concerns about working in the Mountain Village because they were on a different code cycle, this made them reluctant to bid jobs in our area.

- 1- In theory the more demand there is for these new products should bring availability to our area and drive costs down.

Prescriptive Path:

The Prescriptive Path presents a specific list of features and items that have to be met for compliance, with no deviations allowed. At first look, the Prescriptive Path appears to be the easier and simpler route. But the rigid list of mandatory items offers very little flexibility in design approach or material selection to meet the project needs.

Additionally, you, as the contractor, architect or designer need to have an in-depth understanding of each municipality's requirements and amendments.

If you choose to go this route, you must follow all the guidelines outlined in the IECC book (International Energy Conservation Code).

Performance Path:

The Performance Path offers the designer or builder the most flexibility in meeting the energy code requirements. A HERS Rater is involved in the project from the early design stage to model the energy performance of the home and to determine compliance.

This pathway allows for optimal design innovation and integration of energy-efficient technologies. It is often perceived as a more expensive option compared to the Prescriptive Path.

However, design teams often prefer the Performance Path because it allows them to evaluate various combinations of design strategies, components, and technologies until they reach a solution that provides the greatest energy savings for the lowest overall cost, which is usually less than following the Prescriptive Path.

Additionally, you can rely on the HERS Rater to understand the local requirements, leaving you more time to focus on design and construction.

Definition of HERS

HERS means Home Energy Rating System. This is required both in the Town of Mountain Village, San Miguel County and the Town of Telluride. It is the industry standard by which a home's energy efficiency is measured. It is also the nationally recognized system for inspecting and calculating a home's energy performance.



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Item No. 11

TO: Town Council

FROM: Michelle Haynes, Planning and Development Services Director, Luke Adamson, Property Manager & Finn Kjome, Public Works Director

FOR: Meeting of June 18, 2020

DATE: June 6, 2020

RE: Village Court Apartments Update, June

Introduction

During the budget worksessions, Town Council requested monthly check-ins regarding Village Court Apartments (VCA).

Village Court Apartments Update

Finn Kjome, Public Works Director has been assisting at VCA as it relates to assessing maintenance, repair and personnel.

General Information. As of May 19th, VCA Maintenance staff began accepting non-emergent work orders.

2020 Work Plan. Village Court Apartments continues to implement the 2020 work plan as able, including and not limited to the following:

- Sidewalk safety repair. Completed.
- Deep cleaning and acid wash of concrete and exterior hallways of buildings 1 through 9. Buildings 1-7 completed. Buildings 8-9 scheduled to be completed by end of month.
- Carpet cleaning of interior hallway and entry carpets for buildings 10-14. Completed.
- Replacing vinyl flooring in laundry rooms. Completed.
- Annual fire alarm/suppression inspection occurred in May.
- Building identification sign. Completed.
- Window washing of all exterior windows – rescheduled for the fall.
- VCA Capital Reserve Study. In process.
- Roof drone flight and imagery occurred in May. Tiles ordered work scheduled.
- Grills. We will identify grill locations in early June, and then can order and install the grills.
- Irrigation has been turned on. Landscape maintenance is delayed due to staffing limitations.

We are also completing or have completed the following items:

- VCA resident satisfaction survey – open now, and will close on June 19
- Completed the online fillable lease renewal form found [here](#).

Projects moving forward yet with undetermined completion projections due to staffing limitations and delays due to COVID:

- Common area lighting project - TBD
- Programmable Thermostats – These are being installed in vacant units as they turn over.
- Cubby doors

Miscellaneous COVID-19 related updates

- We are actively advertising for a maintenance manager and in the first round of interviews.
- We have approved nine hardship applications to date
- We have 180 people on the wait list

VCA Resident Committee and Regional Partners Update

A special note regarding the VCA resident committee. Many members of the resident committee have stepped up in many ways including and not limited to greater assistance in the community garden; pick up, delivery and distribution of school lunches, food bank boxes and farm to community shares; spearheading a monthly VCA clean up day, assisting with the satisfaction survey; interpretation and translation services; and general support and concern about the overall health and well being of VCA residents. Additionally, our regional partners have been responsive regarding additional needs for some residents at VCA including delivery of senior meals, hardship assistance and mental health resources. Thank you.

The VCA Resident Committee included a PSA section in the monthly newsletter reminding residents to not spit on sidewalks, parking areas or shared spaces; properly dispose of cigarette butts; adhere to physical distancing requirements; and wearing masks while inside hallways and public areas. The next monthly clean up day will be June 15th from 5:30-6:30 pm. Participants will be provided supplies and snacks.

Appointment of a VCA Resident Committee Member

Pam Pettee resigned from the VCA Resident Committee leaving a vacant seat. Ron Cheroske had the next highest number of vote. Ron wishes to serve on the Committee.

MOTION

I move to appoint Ron Cheroske to the VCA resident committee to serve the remainder of Pam Pettee's prior term.

/mbh



**TOWN OF MOUNTAIN VILLAGE
TOWN MANAGER
CURRENT ISSUES AND STATUS REPORT
JUNE 2020**

1. Great Services Award Program

- **Great Services Award Nominations – MAY**
 - **Christina Lambert**, nominated by Chuck Tomlinson and Susan Johnston, for stepping up and going above and beyond to take on additional responsibility to ensure a smooth transition for the HR department and to serve the employees of the Town of Mountain Village. Also, for her ability to be supportive in the Clerk's Department and yet step into a role that she has never done before. She has simply, efficiently and completely rocked it! She is organized and thorough in everything that she does. She deserves a special nomination from the Town to recognize her as an incredible team player and role model – **WINNER FOR MAY**
 - **Susan Johnston**, nominated by Christina Lambert, for working really hard to keep things moving forward in the administration department while Christina is less available as she continues to support HR. Her extra efforts are really appreciated.
 - **Entire staff and Town Council**, nominated by Michelle Haynes, for supporting all VCA efforts of late and their assistance at VCA. Every person listed has played some role in assisting either the staff, tenants or the property in a meaningful way: Luke Adamson, Dylan Cornish, Connor Reilly, Jose Tenario, Marina Mireles, Sue Kunz, Chuck Tomlinson, Finn Kjome, Public Works, JD Wise and staff, Zoe Dohnal, Kathrine Warren, Drew Harrington, Matt Gonzales, Jim Soukup, Hector Delgado, Jory Hassler, Dustin Miles, Libby Sharp, Steven Lehane, Kathy Smith, Kate Burns, Dawn Katz, Kevin Swain, Julie Vergari, Kim Montgomery, Jim Mahoney, Jim Loebe and the VCA resident Committee. From streamlining forms, ordering materials, waiving April rent, filling in staffing gaps, processing invoices, managing complaints, work orders and inquiries, installing WIFI, installing cable internet to units during COVID, turning on the irrigation, delivering school lunches, passing out farm to community shares, picking up necessary items from VCA tenants during COVID...the list is exhaustive. THANK YOU!

2. Broadband

- Phase 1 construction 98% complete (Meadows, Adams Ranch Road, Double Eagle Drive, Russell Drive, Knolls Estate, Arizona Drive, Pennington Place, Touchdown Drive and AJ Drive)
- Individual installations into the home began on June 8th with notifications to residents via door hangers
- 40 home installations are complete
- Improved network operations and added more scalability to the new fiber network
- Added more scalability to the new fiber network
- Added a speed test server to the headend to monitor fiber speed delivery

3. IT Updates

- Reviewed CrowdStrike security reports. The review showed very good results

- Continue to add more users to the multi-factor authentication
- Increased various web filtering security
- System Administration
 - Started moving departments into the new file share
 - Reconfigured multi-functions into the new security infrastructure
 - Added more alert systems to servers
 - Completed back end fiber infrastructure redesign and upgrades
 - Upgraded servers' firmware and drivers
- Network Administration
 - Moved both Headend in the Sky (HITS) connections to fiber
 - Deployed additional VPN infrastructure
 - Continue to trouble shoot blow back regarding security upgrade and enhancements
 - Added more security connectivity between TMV and broadband networks
- Desktop Support
 - Handled various remote workplace desktop support issues
 - Continue security patch
- Training
 - Started creating more video training for staff
- Marketing
 - Started updating fiver interactive map

4. Intergovernmental Agreements

- The Intergovernmental Agreement ("IGA") with San Miguel Regional Housing Authority ("SMRHA") will automatically renew annually unless the Town provides notice 120 days prior to the year-end that we wish to terminate. SMRHA has provided very good service to all three governmental agencies and I recommend no action, allowing the agreement to automatically renew
- The IGA with Marketing Telluride Inc. ("MTI") also known as the Telluride Tourism Board ("TTB") will automatically renew unless Town of Mountain Village, San Miguel County Commissioners and Town of Telluride jointly deliver written notice to MTI not less than 120 days prior the year end. TTB is providing excellent service and value to all three governmental agencies and I recommend no action, allowing the agreement to automatically renew

5. COVID-19

- Continue Monday and Wednesday COVID-19 Director's meetings with Mayor and Mayor pro-tem participating to provide information and updates
- Attending M, W, F COVID-19 special San Miguel County Board of County Commissioners meetings (BOCC). New reduced schedule to Wednesdays only began the week of June 8th
- Continue Monday and Friday Manager's check in meeting including San Miguel County, Town of Telluride, Ophir and Norwood
- Continue weekly special TMV Town Council meetings to address any and all issues related to COVID-19 and any other agenda items necessary
- Attending weekly Town of Telluride special meetings
- San Miguel County will consider a formal agreement to release TMV and TMVOA from proscribed operating hours and days due to the shut-down of gondola operations at their May 20, 2020 Commissioner's meeting
- Met with TMVOA representatives Anton Benitez and Garrett Brafford together Dan Caton and Jim Loebe to discuss details regarding potential reopening of the gondola, associated timelines, costs and hours of operation

- Attend the weekly Economic Recovery Committee to discuss emergence and recovery from the COVID-19 pandemic
- Attended County and DOLA organized meetings to discuss COVID-19 reimbursable expenses and distribution of funds that the County will be receiving on 6/5 and 6/12

6. Miscellaneous

- Attended the Grant Committee meeting on 6/2 to prepare recommendations for the Budget and Finance Committee regarding funding levels for 2021 budget
- Interviewed multiple candidates for both the HR Director and Coordinator positions.
 - Identified Jamie Holmes, HR Generalist from City of Montrose as an exemplary candidate.
 - Scheduled a Zoom meeting with Jaime and Town Directors to assess fit and provide her an opportunity to meet her peers
 - Made an official offer to Jaime Holmes which was accepted May 22nd
 - Jaime met with Sue Kunz and I on 5/26 to provide an orientation and familiarization tour
- Attended a farewell party for Sue Kunz, Kathy Rowe and Chuck Tomlinson
- Met with John Bennett, Bo Nerlin and Jim Mahoney to finalize necessary steps to close on the transfer and sale of the third floor of the firehouse effective in September 2020. Also secured ongoing rights to utilize those offices until such time as the shop expansion is completed